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703 KAR 5:070. Procedures for the inclusion of special populations in the state-required assessment and accountability programs

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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;
- 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); or
- Students who have 504 Plans or 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, being faded or reduced as the student gains/demonstrates increased skill and confidence and moves toward greater independence.

Modifications, however, refer to practices that change, lower, or reduce learning expectations. Modifications can increase the gap between the achievement of students with disabilities and expectations for proficiency at a particular grade level. Modifications shall not be used for state-required assessments although they may be appropriate for instruction.

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 with disabilities shall participate in the state-required Assessment and Accountability Programs.

• A small percentage of students with disabilities shall participate in the Alternate Assessment Program. These students are generally those who have moderate to severe cognitive disabilities and represent approximately one (1) percent of the total student population.

• 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 students with Limited English Proficiency enrolled on the first day of the testing window.

• 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 decision-making process should be in place to determine which accommodations, if any, are necessary to provide individualized support to students based on current supporting data/evidence, including how the district will determine if the accommodations are effective, and a plan to fade the accommodations, as appropriate.

A. General Conditions for Using Accommodations
Accommodations shall meet the following conditions:

1. Be student initiated, not teacher initiated. "Student initiated" means the decision whether or not to use accommodations must be up to the student. 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 PSP, remind students that proctors are there to provide the accommodations, and revisit this information at the beginning of each test session. The teacher may ask the student if he or she would like to use their accommodations. It is considered student initiated if the student responds in an affirmative or negative manner, as students also 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. Student initiated applies to assistive technology and interpreter (when these accommodations are not the student's primary mode of communication), manipulatives, reader, scribe, calculator, paraphrasing, and extended time. Student initiation is not required for behavior modification.

2. Accommodations for many 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 regulation are considered appropriate for state-required assessments when the accommodations are administered according to the directions in this regulation.

4. Accommodations shall be age-appropriate and clearly described in the student's education plan.

5. 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. 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 (e.g., emotional-behavior disabilities, specific learning disabilities, multiple disabilities, other health impairment, etc.).

7. Accommodations do not substitute for high-quality instructional practices.

8. Evaluation information or ongoing progress data should support the need for intervention and 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 assessments.

10. Caution shall be used prior to making education plan changes related to accommodations near or within the state-required 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. Test administrators and the student shall be informed of all student accommodations entitled to that student prior to state-required assessments in order to ensure student needs are met.

13. 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 education plan. The selection of the accommodations shall be based on data analysis that supports the need for and effectiveness of 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 assessment, including but not limited to:

- Use of assistive technology
- Manipulatives
- Reader
- Scribe
- Calculator
- Paraphrasing
- 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.

A. Three Options for Inclusion

A student's Individualized Education Program (IEP) must be written annually, with the Admissions and Release Committee (ARC) considering adjustment periods for adding or deleting accommodations. 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 information, present levels of performance and 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 and related services; or
- students with disabilities not requiring/needing accommodations.

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

- meet the eligibility criteria for one of the disability categories under the Kentucky Administrative Regulations related to Exceptional Children, have a current IEP;
- have a current Program Services Plan (PSP);
- 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 evaluation information, data collected over time and the IEP. The student's present level of performance, specific goals and objectives, specially designed instruction, assistive technology, related services or supplementary aids and services must be necessary for the student to access the general education curriculum;

b. Accommodations shall be a part of the student's regular instructional routine and are not used or introduced just for the purpose of the state-required assessment; and

c. Accommodations are specified in the student's IEP, PSP or 504 Plan.

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

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 Alternate Assessment Program shall be based on specifications identified within the assessment administration directions and the student's IEP.

B. 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 assessments during the school year prior to turning 21 years old.

C. Inclusion of Students with Disabilities in the Measure of the Percentages of Students Making Successful Transitions to Adult Life

With the exception of students who participate in the Alternate Assessment Program, schools that serve students with disabilities shall be held accountable for these students' successful transition to adult life using the same standards applied to nonacademic reporting for all other students.

Students who participate in the Alternate Assessment Program may be considered to have made successful transitions to adult life if they obtain an Alternative High School Diploma.

SECTION 1 – INCLUSION OF STUDENTS WITH INDIVIDUALIZED EDUCATION PROGRAMS (IEPs)

Students with disabilities may at some point 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 verified 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 their 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 accommodations is not intended to hamper or limit student progress and growth. As a student's skills develop and increase, accommodations should be faded to levels of support that are less intrusive. Instructional strategies and specially designed instruction should support the student while accommodations are being faded. Specific strategies should be in place for the student to use as an alternative once accommodations are faded.

As students have a more active role in their learning process, instruction should promote the student's ability to recognize when, why and how accommodations benefit them as well as when it is time to move forward independent of these supports.

Individuals providing assistance to a student with disabilities during the state-required assessment shall be trained in their responsibilities and abide by confidentiality laws, provisions of 703 KAR 5:080, this administrative regulation, 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 limited English proficiency shall read and sign a nondisclosure agreement.

Students with disabilities participating in the state-required 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 testing for visual impairments, or hearing impairments that use specific forms of the assessment.

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 or improve functional capabilities of individuals with

disabilities." The student must initiate the use of assistive technology unless it is the student's primary mode of communication. 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 assessments, the ARC shall have considered under what conditions a student will use the technology on a routine basis during instruction. Evaluation information and progress data shall support the need for technology. Examples may include, but are not limited to the following:

- Amplification equipment
- Noise buffers
- Magnifying devices
- Non-calibrated ruler or template
- Communication boards or devices
- Word processors
- Computer/laptop
- Talking calculators
- Speech-to-text software or devices
- Text-to-speech software or devices
- Close-captioned or video materials
- Audio file of state-required assessments
- Cranmer Abacus
- FM Trainer
- Electronic dictionaries
- Refresher Braille
- Signing avatar
- Word prediction

If an assistive technology device not included on this list has been provided during instruction routinely, that device shall be allowed during the state-required assessment. The assistive technology device shall not lead the student to a correct answer.

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 IEP. The student must be given the tools to become independent. Beginning assistive technology at an early age will allow the student to grow over time and become as independent as possible.

If the use of special equipment (e.g., talking calculators, electronic dictionaries) during the state-required 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 noted on 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 assessment. One option for capturing written responses is to administer the state-required assessment through an online version. If an online assessment is not offered, the following alternative processes may be used to collect student responses:

a. A template must be downloaded from the KDE website, prior to testing, for use during the constructed-responses.

b. A student's response to one or more constructed-response questions shall not be saved to the hard drive of the computer where the student is working.

c. A student's response to one or more constructed-response questions shall not be saved to any part of a computer network to which the student's computer may be attached.

d. The student's responses to all constructed-response questions shall be saved directly and only to a CD or portable drive as appropriate.

e. After the student completes work on a testing session, the following steps shall be taken immediately (i.e., with absolutely no break in time after the student completes work):

- The responses completed by the student during that testing session shall be printed.
- The printed responses shall be submitted according to directions in current manuals.
- The CD or portable drive upon which the student's responses to the constructed-response questions from that testing session were saved shall be securely stored until the next testing session for that student.
- The student's answer booklet shall be securely stored until the next testing session for that student.
- The computer upon which the student was working shall be logged off any network to which it was attached and completely powered down to ensure that any traces of the student's work which may have been saved in a temporary file have been eliminated.

f. If a portable drive was used for storing student answers, school personnel shall ensure that all information is deleted from the drive after testing is completed and answers have been printed. If a CD was used, the school or district shall destroy the CD after all testing has ended and answers are printed.

2. Use of Manipulatives

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

In order for the use of manipulatives to be allowed during state-required assessments, the ARC shall have considered under what conditions a student will use manipulatives during instruction. Evaluation information and 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 (text-to-speech or human) is allowed on all sections of the state-required assessment (i.e., reading, mathematics, science, social studies, and writing [language mechanics and on-demand]). The use of a reader shall not in any way lead the student to the correct answer. Use of a reader shall be initiated by the student.

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 assessments, the ARC shall have documentation of the disability's 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 state-required assessments. Peer tutors are not allowed due to the requirements of 703 KAR 5:080 and confidentiality (KAR 160.700 et seq.).

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 reading, mathematics, science, social studies, and writing (on-demand/language mechanics) sections of the state-required 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 assessment, the ARC shall have documentation of 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 progress data shall support the need for a scribe. Use of a scribe shall be initiated by the student.

The use of a scribe during the state-required 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 assessments. Peer tutors are not allowed due to the requirements of 703 KAR 5:080 and confidentiality (KRS 160.700 et seq.). In all components of the state-required 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, extended-response, short-answer, and on-demand) shall be limited to the following:

A "scribe" shall:

- record what the student dictates word for word;

- 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 allowed on all sections of the state-required assessment including those sections labeled NON-CALCULATOR. Calculator use is by student initiation only.

In order for the use of a calculator to be allowed during the state-required assessments, the ARC shall have documentation of 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 Paraphrasing

The use of paraphrasing shall be student initiated each time the student needs something paraphrased. The use of paraphrasing shall in no way lead the student to the correct answer. Paraphrasing shall not be used as a replacement for reading, listening or oral communication instruction. In order for the use of paraphrasing to be allowed during the state-required assessment, the ARC shall have considered under what conditions a student will need paraphrasing on a routine basis during instruction. Evaluation information and progress data shall support the need for paraphrasing.

Paraphrasing during the state-required assessment shall be limited to the following:

- breaking directions into parts or segments;
- using similar words or phrases in directions; and
- repeating or rephrasing directions.

Paraphrasing shall not include defining words or concepts, teaching vocabulary, or telling a student what to do first, second, etc. Reading passages and content passages may not be paraphrased as that would impact content validity.

7. Use of Extended Time

Extended time must be requested by the student. In order for the use of extended time to be allowed during the state-required assessment, the ARC shall have considered under what conditions a student will need extended time during

instruction. Evaluation information and progress data shall support the need for extended time.

The use of extended time on the state-required 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.

8. 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 assessment, the ARC shall have considered under what conditions a student will need reinforcement and behavior modification strategies on a routine basis during instruction. Evaluation information and progress data shall support the need for reinforcement and behavior modification strategies.

Reinforcement and behavior modification strategies may include:

- 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 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.

9. Interpreters for a Student with Deafness or Hearing Impairment

An 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 assessment, the ARC shall have considered 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 of assistive technology.

An interpreter may sign during the state-required 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 to the degree that the student's development of language (i.e., receptive and expressive) is significantly impacted.
- The student uses sign language as the normal mode of communication due to his or her disability.

During state-required assessments the interpreter shall not:

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

Interpreters who are also scribes shall follow the policies on scribing outlined in this document. Interpreters must adhere to the grammatical equivalent of English without adding to or elaborating on the content.

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: 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 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 Program Services Plan (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 state-required reading, social studies or writing (language mechanics and on-demand) 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

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 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. An EL student may use accommodations in the state-required 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, documentation shall include:

- The name and date of the English language proficiency assessment administered to determine a student's EL status;
- A PSP that includes 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 Title III 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.

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

1. Administration Strategies:
    - Use of Reader

    The use of a reader (text-to-speech or human) is allowed on all sections of the state-required assessment [i.e., reading, mathematics, science, social studies, and writing (language mechanics and on-demand)]. Use of the reader shall be initiated by the student.

    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 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 assessment. Peer tutors are not allowed due to the requirements of 703 KAR 5:080 and confidentiality (KAR 160.700 et seq.).

The role of the reader during the reading, mathematics, science, social studies, and writing (on-demand and language mechanics) sections of the state-required 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.

Simplified language with extended time (directions, multiple-choice answers, but not reading passages)

It is used to restate printed text or oral communication using other words or forms that are often simpler.

Simplifying language and vocabulary shall not change the overall context of the test materials or the content, but ensures that students understand how to take the test.

Once initiated by the student, specific words may be exchanged, but words cannot be defined as part of simplifying language. Directions for test administration may be described using less complex words (i.e., the word "assessment" becomes "test") and sentence structure (i.e., break a sentence into smaller sections).

Simplified language for the state-required assessments shall be consistent with classroom instruction and includes:

Breaking directions into parts or segments or using similar words or phrases that are easier for the student to understand.

Simplified language for the state-required assessment shall not:

- define words or concepts or tell a student what to do first, second, etc.;
- be used on stories (reading passages) and content passages;
- be a replacement for reading, listening or oral communication, instruction or assistive technology; or
- impact the content being measured.

- Extended Time

Once initiated by the student, 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 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 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

Once initiated by the student, 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

  Once initiated by the student, 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 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.

  Once initiated by the student 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 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 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.

Part Two: State-Required English Language Proficiency Assessment

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 students enrolled in the district as the first screening process to identify EL students. The home language survey shall be based on a minimum of the following four 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 have limited English proficiency 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. 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.

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 will 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.

D. 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 two-year 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. Kindergarten students shall not be categorized as RFEP and therefore, shall not exit EL status until after reaching Fully English Proficient (FEP) status on the 1st grade English Language Proficiency assessment. Each kindergarten student whose primary language is not English shall have a PSP.

E. 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.

F. 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 LEP because of their fully English proficient status.

2. LEP (Limited English Proficient) – 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 listening, speaking, reading or writing the English language may be sufficient to deny the individual:
     - the ability to meet the state's proficient level of achievement on state-required 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.

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 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 or improve functional capabilities of individuals with disabilities." The student shall initiate the use of assistive technology unless it is the student's primary mode of communication. The use of assistive technology shall not inappropriately impact the validity of the state-required 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 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 progress data shall support the need for technology. Examples may include, but are not limited to the following:

- Amplification equipment
- Noise buffers
- Magnifying devices
- Non-calibrated ruler or template
- Communication boards or devices
- Word processors
- Computer/laptop
- Talking calculators
- Speech-to-text software or devices
- Text-to-speech software or devices
- Close-captioned or video materials
- Audio file of state-required assessments
- Cranmer Abacus
- FM Trainer
- Electronic dictionaries
- Refresher Braille
- Signing avatar

- Word prediction

If an assistive technology device not included on this list has been provided during instruction routinely, that device shall be allowed during the state-required assessment. The assistive technology device shall not lead the student to a correct answer.

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 will allow the student to grow over time and become as independent as possible.

If the use of special equipment (e.g., talking calculators, electronic dictionaries) during the state-required 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 noted in the 504 plan and used routinely in regular instruction, it may be used on the state-required assessment. One option for capturing written responses is to administer the state-required assessment through an online version. If online assessment is not offered, the following alternative method may be used to collect student responses:

a. The appropriate template shall be downloaded from the KDE website, prior to testing, for use during the constructed-responses.

b. A student's response to one or more constructed-response questions shall not be saved to the hard drive of the computer where the student is working.

c. A student's response to one or more constructed-response questions shall not be saved to any part of a computer network to which the student's computer may be attached.

d. The student's responses to all constructed-responses shall be saved directly and only to a CD or portable drive as appropriate for the computer being used.

e. After the student completes work on a testing session, the following steps shall be taken immediately (i.e., with absolutely no break in time after the student completes work):

- The responses completed by the student during that testing session shall be printed.

- The printed responses shall be submitted according to directions in current manuals.
- The CD or portable drive upon which the student's responses to the constructed-response questions from that testing session were saved shall be securely stored until the next testing session for that student.
- The student's answer booklet shall be securely stored until the next testing session for that student.
- The computer upon which the student was working shall be logged off any network to which it was attached and completely powered down to ensure that all trace of the student's work which may have been saved in a temporary file has been eliminated.

f. If a portable drive was used for storing student answers, school personnel shall ensure that all information is deleted from the drive after all testing is completed and answers have been printed. If a CD was used, the school or district shall destroy the CD after all testing has ended and answers have been printed.

2. Use of Manipulatives

The student shall initiate the 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 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 (text-to-speech or human) is allowed on all sections of the state-required assessment (i.e., reading, mathematics, science, social studies, and writing (language mechanics and on-demand writing)). Use of a reader shall be initiated by the student.

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 assessments, the 504 team shall have documentation of the disability's 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 assessment. Peer tutors are not allowed due to the requirements of 703 KAR 5:080 and confidentiality (KAR 160.700 et seq.).

The role of the reader during the reading, mathematics, science, social studies and writing (language mechanics and on-demand writing) sections of the state-required 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 assessment, the 504 team shall have documentation of 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 progress data shall support the need for a scribe. Use of a scribe shall be initiated by the student.

The use of a scribe during the state-required 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 assessment. Peer tutors are not allowed due to the requirements of 703 KAR 5:080 and confidentiality (KRS

160.700 et seq.). In all components of the state-required 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, extended-response, short-answer and on-demand) shall be limited to the following:

A "scribe" shall:

- record what the student dictates word for word;
- 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 allowed on all sections of the state-required assessment including those that are clearly labeled NON-CALCULATOR sections. Calculator use is by student initiation only.

In order for the use of a calculator to be allowed during the state-required assessments, the 504 team shall have documentation of 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 Paraphrasing

The use of paraphrasing should be student initiated each time they need something paraphrased. The use of paraphrasing shall in no way lead the student to the correct answer. Paraphrasing shall not be used as a replacement for reading, listening or oral communication instruction. In order for the use of paraphrasing to be allowed during the state-required assessment, the 504 team shall have considered under what conditions a student will need paraphrasing on a routine basis during instruction. Evaluation information and progress data shall support the need for paraphrasing.

Paraphrasing during the state-required assessment shall be limited to the following:

- breaking directions into parts or segments;
- using similar words or phrases in directions; and
- repeating or rephrasing directions.

Paraphrasing shall not include defining words or concepts, teaching vocabulary, or telling a student what to do first, second, etc. Reading passages and content passages may not be paraphrased as that would impact content validity.

7. Use of Extended Time

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

The use of extended time on the state-required 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.

8. 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 assessment, the 504 team shall have considered under what conditions a student will need reinforcement and behavior modification strategies on a routine basis during instruction. Evaluation information and progress data shall support the need for reinforcement and behavior modification strategies.

Reinforcement and behavior modification strategies may include:

- 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 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.

9. Interpreters for a Student with Deafness or Hearing Impairment

An 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 assessment, the 504 team shall have considered 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 of assistive technology.

An interpreter may sign during the state-required 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 to the degree that the student's development of language (i.e., receptive and expressive) is significantly impacted.
- The student uses sign language as the normal mode of communication due to their disability.
- During the state-required assessments, the interpreter shall not:
    - Indicate correct answers to test items and
    - Define words for the student, provide content, or teach vocabulary or concepts.

Interpreters who are also scribes shall follow the policies on scribing outlined in this document. Interpreters must adhere to the grammatical equivalent of English without adding to or elaborating on the content.

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.

The Kentucky School for the Deaf and the Kentucky School for the Blind are classified as alternative programs and shall be treated as such. 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 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 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 Alternate Assessment Program 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 7 and 704 KAR 7:120.

SECTION 6 – INCLUSION OF STUDENTS IN THE ALTERNATE ASSESSMENT PROGRAM

Students with disabilities may at some point 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 verified 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 their 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 accommodations is not intended to hamper or limit student progress and growth. As a student's skills develop and increase, accommodations should be faded to levels of support that are less intrusive. Instructional strategies and specially designed instruction should support the student while accommodations are being faded to the

degree possible. Specific strategies shall be in place for the student to use as an alternative once accommodations are faded.

As students have a more active role in their learning process, instruction shall promote the student's ability to recognize when, why and how accommodations benefit them as well as when it is time to move forward independent of these supports.

A. General Conditions for Using Accommodations on 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 regulation are considered appropriate for state-required assessment when the accommodations are administered according to the directions in this regulation.
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 (e.g., emotional-behavior disabilities, specific learning disabilities, multiple disabilities, other health impairment, etc.)
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 assessments.
9. Caution shall be used prior to making IEP changes near or within the state-required 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 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.

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

- Use of assistive technology
- Manipulatives
- Scripted assessment
- Scribes
- Paraphrasing
- 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 assessment shall be trained in his/her responsibilities and abide by confidentiality laws, provisions of 703 KAR 5:080 and this administrative regulation, 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 limited English proficiency shall read and sign a nondisclosure agreement.

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 or improve functional capabilities of individuals with disabilities." In order for the use of special equipment, including assistive technology, to be allowed during the state-required assessments, the ARC shall have considered under what conditions a student will use the technology on a routine basis during instruction. Evaluation information and progress data shall support the need for technology. Examples may include, but are not limited to the following:

- Amplification equipment
- Noise buffers
- Magnifying devices
- Non-calibrated ruler or template
- Communication boards or devices
- Word processors
- Computer/laptop

- Talking calculators
- Speech-to-text software or devices
- Text-to-speech software or devices
- Close-captioned or video materials
- Audio file of state-required assessments
- Cranmer Abacus
- FM Trainer
- Electronic dictionaries
- Refresher Braille
- Signing avatar
- Word prediction

If an assistive technology device not included on this list has been provided during instruction routinely, that device shall be allowed during the state-required assessment. The assistive technology device shall not lead the student to a correct answer.

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 assessments, the ARC 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 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 assessment, the ARC shall have documentation of 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 progress data shall support the need for a scribe.

The use of a scribe during the state-required 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 assessment. Peer tutors are not allowed due to the requirements of 703 KAR 5:080 and confidentiality (KRS 160.700 et seq.). In all components of the state-required assessment, a student shall be the sole creator, author, decision-maker and owner of their work. The role of the scribe during the required 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 assessments, the ARC shall have documentation of 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 Paraphrasing

The use of paraphrasing shall in no way lead the student to the correct answer. Paraphrasing shall not be used as a replacement for reading, listening, or oral communication instruction. In order for the use of paraphrasing to be allowed during the state-required assessment, the ARC shall have considered under what conditions a student will need paraphrasing on a routine basis during instruction. Evaluation information and progress data shall support the need for paraphrasing.

Paraphrasing during the state-required assessment shall be limited to the following:

- breaking directions into parts or segments;
- using similar words or phrases in directions; and
- repeating or rephrasing directions.

Paraphrasing shall not include defining words or concepts, teaching vocabulary, or telling a student what to do first, second, etc. Reading passages and content passages may not be paraphrased as that would inappropriately impact content validity.

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 assessment, the ARC shall have considered under what conditions a student will need reinforcement and behavior modification strategies on a routine basis during instruction. Evaluation information and progress data shall support the need for reinforcement and behavior modification strategies.

Reinforcement and behavior modification strategies may include:

- 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.

8. Interpreters for a Student with Deafness or Hearing Impairment

An 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 assessment, the ARC shall have considered 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 of assistive technology.

An interpreter may sign during the state-required 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 to the degree that the student's development of language (i.e., receptive and expressive) is significantly impacted.
- The student uses sign language as the normal mode of communication due to their disability.

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

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

Interpreters who are also scribes shall follow the policies on scribing outlined in this document. Interpreters must adhere to the grammatical equivalent of English without adding to or elaborating on the content.