



INDIANA STATE BOARD OF EDUCATION

MEMORANDUM

To: Indiana State Board of Education
From: Brian Murphy
Date: March 9, 2016
RE: Approval of Final Rule 511 IAC 15-7-2 (Shortening the 90-day cut score effective date waiting period)

Recommendation: Approve the attached Final Rule.

The SBOE approved the proposed rule version on July 1, 2015. The rule was then sent to the Budget Agency, which approved the rule, and a public hearing was held; two comments were submitted, both by Vicki Perrey:

Comment 1:

I would like to submit comments concerning 511 IAC 15-7-2. Would it be possible to apply new cut scores retroactively to tests taken? Based on the reports submitted to the board during 2015, the pass rates were abysmal for the 6 month period leading up to the final vote for the new cut scores. I am sure that is what prompted the discussion, and ultimately the change. I believe this is a fair course of action for those teaching students who attempted these tests during the time the Board recognized an issue with them.

Comment 2:

Recommended taking scores of 200 or 205 during the period of August, 2015 to December 2015 to compensate for the time this issue was being discussed.

After considering both comments, SBOE and DOE staffs jointly recommend adopting the attached Final Rule, which does not contain any changes from the proposed rule. SBOE staff will then work to submit the rule and required materials to the Attorney General's Office for approval.

TITLE 511 INDIANA STATE BOARD OF EDUCATION

Proposed Rule
LSA Document #15-203

DIGEST

Amends [511 IAC 15-7-2](#) by shortening the 90-day cut score effective date waiting period. Effective 30 days after filing with the Publisher.

[IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses](#)

[511 IAC 15-7-2](#)

SECTION 1. [511 IAC 15-7-2](#) IS AMENDED TO READ AS FOLLOWS:

[511 IAC 15-7-2](#) Minimum acceptable scores

Authority: [IC 20-28-2-6](#); [IC 20-28-5-12](#)

Affected: [IC 4-22-7-7](#); [IC 20-28-5-3](#)

Sec. 2. (a) The board shall approve assessments and determine minimum acceptable scores using psychometrically appropriate techniques for cut score setting for assessments required for an applicant to demonstrate proficiency in:

(1) a content area as described in: ~~the following:~~

(A) [511 IAC 15-6-1](#) through [511 IAC 15-6-23](#);

(B) [511 IAC 15-6-25](#) through [511 IAC 15-6-32](#); and

(C) [511 IAC 15-6-34](#);

(2) basic reading, writing, and mathematics; and

(3) pedagogy.

(b) Prior to taking final action to approve assessments and determine minimum acceptable scores, the board shall do the following:

(1) Provide public notice of the proposed action at least thirty (30) days prior to taking final action. The public notice shall include the following:

(A) A summary of each assessment.

(B) The proposed minimum acceptable scores for each assessment.

(C) A summary of the cut score setting methodology.

(D) The time period in which the department will accept public comments.

(2) Accept and consider public comment.

(c) In taking final action to approve the assessments and minimum acceptable score, the board shall establish the effective date of the approved assessments and minimum acceptable scores that shall be: ~~not sooner than ninety (90) days after the date of the final action.~~

(1) ninety (90) days or more after the date of the final action, if the board raises the minimum acceptable scores; or

(2) the date of the final action or later, if the board lowers the minimum acceptable scores.

(d) An applicant who obtains at least the minimum acceptable score on an assessment required under section 1 of this rule during the time the applicant is enrolled in an approved program may use that score even if a different score or a different assessment is required at the time of application for the license.

(Indiana State Board of Education; [511 IAC 15-7-2](#); filed Nov 18, 2014, 3:51 p.m.: [20141217-IR-511130399FRA](#))

[Notice of Public Hearing](#)

Posted: 02/03/2016 by Legislative Services Agency

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