

INDIANA STATE BOARD OF EDUCATION TITLE 511 ARTICLE 7 – SPECIAL EDUCATION

RULE 32 DEFINITIONS

511 IAC 7-32-1 Applicability

Sec. 1. The definitions in this rule apply throughout this article.

511 IAC 7-32-2 "Academic achievement" defined

Sec. 2. "Academic achievement" means a student's performance in relation to the continuum of the Indiana academic standards, including the foundations to the standards. This may include performance on norm-referenced, criterion-referenced, and other achievement measures.

511 IAC 7-32-3 "Adaptive behavior" defined

Sec. 3. "Adaptive behavior" means the effectiveness of or degree with which an individual meets the standards of personal independence and social responsibility expected of the individual's chronological age and cultural group.

511 IAC 7-32-4 "Adequate notice" defined

Sec. 4. "Adequate notice" means notice that:

- (1) is provided early enough to:
 - (A) allow a change in time or location;
 - (B) make arrangements to attend a meeting; or
 - (C) allow a response prior to the proposed action;
- (2) includes all components specified in this article based upon the purpose of the notice;
- (3) is provided in the native language or other mode of communication; and
- (4) is written or communicated in common understandable language.

511 IAC 7-32-5 "Adversely affects educational performance" defined

Sec. 5. "Adversely affects educational performance" means that a student's disability has a consistent and significant negative impact on:

- (1) the student's:
 - (A) academic achievement; or
 - (B) functional performance; or
- (2) both the student's academic achievement and functional performance.

511 IAC 7-32-6 "Assessment" defined

Sec. 6. (a) "Assessment" refers to the process of gathering and interpreting information regarding some aspect of a student's:

- (1) cognitive;
- (2) academic;
- (3) social;
- (4) emotional;
- (5) behavioral; or
- (6) functional;

performance.

(b) Norm-referenced assessments are standardized on a clearly defined group and scaled so that the score reflects the student's performance when compared to the normative group.

- (c) Criterion-referenced assessments are:
- (1) designed to determine whether a student has reached a pre-established level or standard of performance; and
 - (2) generally developed with a hierarchy of skills.
- (d) Other assessment procedures include, but are not limited to, the following:
- (1) Samples of academic skills
 - (2) Behavioral charts.
 - (3) Informal tests.
 - (4) Interviews.
 - (5) Observations.

511 IAC 7-32-7 "Assistive technology device" defined

Sec. 7. "Assistive technology device" means any:

- (1) item;
- (2) piece of equipment; or
- (3) product system;

whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a student with a disability. The term does not include a medical device that is surgically implanted or the replacement of such device.

511 IAC 7-32-8 "Assistive technology service" defined

Sec. 8. "Assistive technology service" means any service that directly assists a student with a disability in the selection, acquisition, or use of an assistive technology device. The term includes, but is not limited to, the following:

- (1) The evaluation of the needs of a student with a disability, including a functional evaluation of the student in the student's customary environment.
- (2) Purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices for students with disabilities.
- (3) Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices.
- (4) Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs.
- (5) Training or technical assistance for the following:
 - (A) A student with a disability or, if appropriate, the student's family.
 - (B) Professionals (including individuals providing education or rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of students with disabilities.

511 IAC 7-32-9 "At no cost" defined

Sec. 9. "At no cost" means that all specially designed instruction is provided without charge to the parent, but does not preclude incidental fees that are normally charged to nondisabled students or their parents as a part of the general education program. Such fees may include, but are not limited to, fees for the following:

- (1) Textbook rental.
- (2) Consumable materials.
- (3) Any fees permitted by state statute or rule.

511 IAC 7-32-10 "Behavioral intervention plan" defined

Sec. 10. (a) "Behavioral intervention plan" means a plan agreed upon by the CCC and incorporated into a student's IEP that describes the following:

- (1) The pattern of behavior that impedes the student's learning or the learning of others.
- (2) The purpose or function of the behavior as identified in a functional behavioral assessment.
- (3) The positive interventions and supports, and other strategies, to:
 - (A) address the behavior; and

(B) maximize consistency of implementation across people and settings in which the student is involved.

(4) If applicable, the skills that will be taught and monitored in an effort to change a specific pattern of behavior of the student. The behavioral intervention plan seeks to maximize consistency of implementation across people and settings in which the student is involved.

(b) The IEP can serve as the behavioral intervention plan as long as the documentation the parent receives meets all the requirements in this section.

511 IAC 7-32-11 "Benchmarks" defined

Sec. 11. "Benchmarks" means major milestones a student is expected to achieve. Benchmarks establish expected performance levels for students assessed against alternate achievement standards that allow for regular checks of progress that coincide with the reporting periods for informing parents of the student's progress toward achieving the annual goals delineated in a student's IEP.

511 IAC 7-32-12 "Case conference committee" or "CCC" defined

Sec. 12. "Case conference committee" or "CCC" means the group of persons described in 511 IAC 7-42-3, including parents and public agency personnel, who are responsible for the following:

- (1) Reviewing the educational evaluation report and determining a student's eligibility for special education and related services.
- (2) Developing, reviewing, and revising a student's IEP or transition IEP.
- (3) Determining the following:
 - (A) The appropriate special education, related services, and placement for a student and the setting or settings in which those services will be provided.
 - (B) Other matters, including the provision of a free appropriate public education, that are assigned to an IEP team by federal law or to a CCC by state law or any rule of the Indiana state board of education, including this article.

511 IAC 7-32-13 "Caseload" defined

Sec. 13. "Caseload" means the total number of students assigned to a teacher, speech-language pathologist, or a related services provider.

511 IAC 7-32-14 "Change of educational placement" defined

Sec. 14. (a) "Change of educational placement" means that a student's placement has changed on the continuum of placement options set forth in 511 IAC 7-42-10(b)(4) and 511 IAC 7-42-10(b)(5).

(b) If a public agency proposes to change a student's educational placement, the public agency must provide the student's parent with written notice that meets the requirements of 511 IAC 7-42-7.

(c) A change of educational placement:

- (1) occurs when a student:
 - (A) is declassified as eligible for special education and related services; or
 - (B) graduates with a high school diploma as defined in 511 IAC 6-7.1-1(e);
- (2) does not occur because a student's IEP will be implemented in a different location; and
- (3) is different from a disciplinary change of placement described in 511 IAC 7-44-2.

511 IAC 7-32-15 "Charter school" defined

Sec. 15. "Charter school":

- (1) means a public elementary school or secondary school established under IC 20-24-1-4; and
- (2) has the meaning given the term in 20 U.S.C. 7221i of the Elementary and Secondary Education Action of 1965, as amended, 20 U.S.C. 6301 et seq.

511 IAC 7-32-16 "Complaint" defined

Sec. 16. "Complaint" means a written, signed allegation of a procedural violation of federal or state statutes, regulations, rules, or constructions governing special education that is submitted to the division of special education for investigation in accordance with 511 IAC 7-45-1.

511 IAC 7-32-17 "Consent" defined

Sec. 17. "Consent" means the following:

- (1) The parent has been fully informed, in the parent's native language or other mode of communication, of all information relevant to the activity for which consent is sought.
- (2) The parent understands and agrees in writing to the activity for which consent has been sought, and the consent:
 - (A) describes that activity; and
 - (B) lists the records, if any, that will be released and to whom.
- (3) The parent understands that:
 - (A) granting consent is voluntary on the part of the parent; and
 - (B) the consent may be revoked at any time.

If the parent revokes consent, the revocation is not retroactive, that is, it does not negate an action that has occurred after the consent was given and before the consent was revoked.

511 IAC 7-32-18 "Consultation" defined

Sec. 18. "Consultation" means services provided to students enrolled in public schools that include, but are not limited to, the following:

- (1) Working with general and special education teachers in matters relating to the following:
 - (A) Development and implementation of IEPs.
 - (B) Curriculum development.
 - (C) Instructional or behavioral management techniques.
 - (D) Identification, adaptation, and utilization of the following:
 - (i) Materials.
 - (ii) Equipment.
 - (iii) Instructional aids.
- (2) Serving as a communication link between and among the following:
 - (A) Public agency personnel.
 - (B) Parents.
 - (C) Other agencies.
- (3) Conducting individual assessments or observations of a student.
- (4) Counseling or crisis intervention.
- (5) Providing the following:
 - (A) Direct services to a student or group of students.
 - (B) Parent counseling and training.

511 IAC 7-32-19 "Consultation and collaboration" defined

Sec. 19. "Consultation and collaboration" means services provided to parentally-placed students in nonpublic schools who are eligible for special education and related services. These services include, but are not limited to, the following:

- (1) Development of a service plan as specified in 511 IAC 7-34-5(e).
- (2) Periodic communication between the teacher of record and the nonpublic school regarding the goals contained in the student's service plan. Periodic communication must occur at least as often as, and in conjunction with, the periodic reports required in subdivision (3).
- (3) Periodic reports from the teacher of record to the student's parent specifying how the student is progressing toward the goals contained in the student's service plan. The reports must occur on the same schedule as the nonpublic school's report cards are sent to parents.
- (4) Collaboration, which may include opportunities for professional development on topics such as the following:
 - (A) Accommodations.
 - (B) Differentiated instruction.

- (C) Universal design.
- (D) Instructional or behavioral management techniques.
- (E) Identification, adaptation, and utilization of the following:
 - (i) Materials.
 - (ii) Equipment.
 - (iii) Instructional aids.
- (F) Response to scientific, research based interventions.
- (G) Other topics addressing the needs of the student.

511 IAC 7-32-20 "Controlled substance" defined

Sec. 20. "Controlled substance" means a drug or other substance identified under Schedule I, II, III, IV, or V in subsection 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)) or IC 35-48-2.

511 IAC 7-32-21 "Core academic subjects" defined (Repealed)

511 IAC 7-32-22 "Day" defined

Sec. 22. (a) "Day" means a calendar day unless otherwise indicated as a business day or instructional day.

(b) "Business day" means Monday through Friday, except for federal and state holidays unless holidays are specifically included in the designation of business days as in 511 IAC 7-34-10(g)(1)(B).

(c) "Instructional day" means any day or part of a day that students are expected to be in attendance.

511 IAC 7-32-23 "Destruction of information" defined

Sec. 23. "Destruction of information" means physical destruction or removal of personal identifiers from information contained in an educational record so that the information is no longer personally identifiable.

511 IAC 7-32-24 "Directory information" defined

Sec. 24. "Directory information" means information contained in an educational record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. It includes, but is not limited to, the student's:

- (1) name;
- (2) address;
- (3) telephone listing;
- (4) electronic mail address;
- (5) photograph;
- (6) date and place of birth;
- (7) grade level;
- (8) major field of study;
- (9) participation in officially recognized activities and sports and the weight and height of members of athletic teams.
- (10) dates of attendance;
- (11) degrees, honors, and awards received; and
- (12) most recent previous educational agency or institution attended.

511 IAC 7-32-25 "Disciplinary action or proceeding" defined

Sec. 25. "Disciplinary action or proceeding" means the investigation, adjudication, or imposition of sanctions by a public agency with respect to an infraction or violation of the internal rules of conduct applicable to students of the public agency.

511 IAC 7-32-26 "Disclosure" defined

Sec. 26. "Disclosure" means:

- (1) to permit access to; or
- (2) the release, transfer, or other communication of; personally identifiable information contained in educational records to any party by any means including oral, written, or electronic means.

511 IAC 7-32-27 "Due process hearing" defined

Sec. 27. "Due process hearing" means a proceeding initiated by a student's parent, a public agency, or the state educational agency and is conducted by an independent hearing officer when there is a dispute regarding any of the following:

- (1) The identification or eligibility of a student for services under this article.
- (2) The appropriateness of the:
 - (A) educational evaluation; or
 - (B) student's proposed or current level of services or placement.
- (3) Any other dispute affecting the provision of a free appropriate public education to the student.

511 IAC 7-32-28 "Duration of services" defined

Sec. 28. "Duration of services" means the projected month, day, and year when special education services will end.

511 IAC 7-32-29 "Early intervening services" defined

Sec. 29. "Early intervening services" means services provided to students in grades kindergarten through 12, with a particular emphasis on students in grades kindergarten through 3, who are not currently eligible for special education or related services, but who need additional academic and behavioral support to succeed in a general education environment.

511 IAC 7-32-30 "Educational evaluation" defined

Sec. 30. (a) "Educational evaluation" means procedures used in accordance with 511 IAC 7-40 and 511 IAC 7-41 to provide information about a student's disability or suspected disability for the student's CCC to determine the following:

- (1) Whether a student is eligible for special education and related services.
- (2) If eligible, the nature and extent of the special education and related services that the student needs.

(b) Based on the suspected disability or disabilities, the educational evaluation may address the following:

- (1) Development.
- (2) Cognition.
- (3) Academic achievement.
- (4) Functional performance or adaptive behavior.
- (5) Communication skills.
- (6) Motor skills and sensory responses.
- (7) Available medical and mental health information that is educationally relevant.
- (8) Social and developmental history.
- (9) Analysis of other factors.
- (10) Other assessments or information necessary to determine eligibility and inform the student's CCC.

511 IAC 7-32-31 "Educational records" defined

Sec. 31. (a) "Educational records" means records directly related to a student and maintained by a public agency or by a party acting for the public agency. The term includes the following:

- (1) Test protocols that contain personally identifiable information regarding the student and IEPs.
- (2) Video clips.

- (3) Audio clips.
- (4) Scanned images.
- (5) Other electronically recorded or produced items.

(b) The term does not include the records of instructional, supervisory, administrative, or ancillary personnel that:

- (1) remain in the sole possession of the maker of the record;
- (2) are used only as a personal memory aid; and
- (3) are not accessible to or revealed to any other person except a temporary substitute for the maker of the record.

511 IAC 7-32-32 "Educational surrogate parent" defined

Sec. 32. "Educational surrogate parent" means a person trained and appointed to represent a student with a disability in matters relating to the provision of a free appropriate public education, including the following:

- (1) Identification.
- (2) Evaluation.
- (3) Placement.

An educational surrogate parent is appointed in accordance with 511 IAC 7-39.

511 IAC 7-32-33 "Elementary school" defined

Sec. 33. (a) "Elementary school" means a school that provides any combination of kindergarten and grades 1 through 8.

(b) Nothing in this article is intended to prevent an early childhood program under 511 IAC 7-36-5 from being located in an elementary school.

511 IAC 7-32-34 "Eligibility" defined

Sec. 34. "Eligibility", for special education and related services, means that a:

- (1) student's CCC has determined, in accordance with this article, that a student's disability or impairment adversely affects the student's educational performance and, by reason thereof, the student needs special education or related services; or
- (2) child's CCC has determined, in accordance with this article, that a child has a developmental delay as described in 511 IAC 7-41-6 and, by reason thereof, the student needs special education or related services.

511 IAC 7-32-35 "Equipment" defined

Sec. 35. "Equipment" means the following:

- (1) Machinery.
- (2) Utilities.
- (3) Built-in equipment.
- (4) Any necessary enclosures or structures to house the machinery, utilities, or equipment.
- (5) All other items necessary for the functioning of a particular facility as a facility for the provision of educational services, including items such as the following:
 - (A) Instructional equipment and necessary furniture.
 - (B) Printed, published, and audio-visual instructional materials.
 - (C) Telecommunications, sensory, and other technological aids and devices.
 - (D) Books, periodicals, documents, and other related materials.

511 IAC 7-32-36 "Essential components of reading instruction" defined

Sec. 36. "Essential components of reading instruction" means explicit and systematic instruction in the following:

- (1) Phonemic awareness.
- (2) Phonics.
- (3) Vocabulary development.

- (4) Reading fluency, including oral reading skills.
- (5) Reading comprehension strategies.

511 IAC 7-32-37 "Expedited due process hearing" defined

Sec. 37. "Expedited due process hearing" means a hearing that is conducted by an independent hearing officer, in accordance with 511 IAC 7-45-10, and may be requested in any of the following situations:

- (1) The parent disagrees with:
 - (A) a determination regarding disciplinary change of placement under 511 IAC 7-44-2;
 - (B) a determination that the student's behavior was not a manifestation of the student's disability under 511 IAC 7-44-5; or
 - (C) the public agency's decision regarding the student's disciplinary change of placement under 511 IAC 7-44-6.
- (2) The public agency, under 511 IAC 7-44-7, believes that maintaining a student in the current placement (placement prior to removal to the interim alternative educational setting), after the expiration of the student's placement in an interim alternative educational setting, is substantially likely to result in injury to the student or others.

511 IAC 7-32-38 "Expedited evaluation" defined

Sec. 38. "Expedited evaluation" means an initial evaluation that is conducted during the pendency of disciplinary action of a student who has not been determined eligible for special education. The timelines for conducting an expedited evaluation and convening the CCC are shorter than for an initial evaluation under 511 IAC 7-44-9.

511 IAC 7-32-39 "Extended school year services" defined

Sec. 39. "Extended school year services" means special education and related services that:

- (1) are provided to a student with a disability:
 - (A) beyond the normal school year or instructional day of the public agency;
 - (B) in accordance with the student's IEP; and
 - (C) at no cost to the parent or the student; and
- (2) meet the standards of the department of education.

511 IAC 7-32-40 "Free appropriate public education" defined

Sec. 40. "Free appropriate public education" means special education and related services that:

- (1) are provided at public expense, under public supervision and direction, and at no cost to the parent;
- (2) meet the standards of the state educational agency, including the requirements of this article;
- (3) include an appropriate early childhood education, elementary education, or secondary education in the state involved;
- (4) are provided in conformity with an IEP that meets the requirements of this article; and
- (5) include the award of credit and diploma for completion of academic requirements to the same extent the credit is awarded to students without disabilities.

511 IAC 7-32-41 "Functional behavioral assessment" defined

Sec. 41. "Functional behavioral assessment" means a process that uses data to identify patterns in the student's behavior and the purpose or function of the behavior for the student. A functional behavioral assessment may require written parental consent if it is an educational evaluation as defined in section 30 of this rule. Written parental consent is not required when a functional behavioral assessment reviews existing data regarding a student, as specified in 511 IAC 7-40-3(b)(3).

511 IAC 7-32-42 "Functional performance" defined

Sec. 42. "Functional performance" means a measure of skills, behaviors, and knowledge necessary to achieve self-sufficiency in areas that support those defined by academic achievement. This may include the following:

- (1) Physical skills, such as sensory responses, fine and gross motor skills.
- (2) Personal care skills, such as the following:
 - (A) Eating.
 - (B) Dressing.
 - (C) Maintaining hygiene.
- (3) Social emotional adjustment, such as the following:
 - (A) Interpersonal skills.
 - (B) Intrapersonal regulation.
 - (C) Habits of learning.
- (4) Independent living skills, such as the following:
 - (A) Maintaining a household.
 - (B) Managing health needs.
 - (C) Using tools.
 - (D) Shopping.
 - (E) Budgeting.
 - (F) Practicing safety.
 - (G) Accessing transportation.
 - (H) Recreation.
 - (I) Accessing community resources.
 - (J) Employment.

511 IAC 7-32-43 "General education" defined

Sec. 43. "General education" means those programs provided or available to all students, including, but not limited to, the following:

- (1) Sequential grade advancement.
- (2) Elective courses.
- (3) Extracurricular activities.
- (4) The general curriculum.

511 IAC 7-32-44 "Highly qualified" defined (Repealed)

511 IAC 7-32-45 "Homebound instruction" defined

Sec. 45. "Homebound instruction" means instruction provided by a licensed teacher to students, in accordance with 511 IAC 7-42-11 and 511 IAC 7-42-12, including students without disabilities, who are unable to attend school. Homebound instruction may be provided:

- (1) at:
 - (A) a student's home;
 - (B) a hospital; or
 - (C) another site; and
- (2) in person or by any other technology systems.

511 IAC 7-32-46 "Homeless students" defined

Sec. 46. "Homeless students" has the meaning given the term "homeless children and youths" in the McKinney-Vento Homeless Assistance Act, as amended, 42 U.S.C. 11431 et seq. The term means individuals who lack a fixed, regular, and adequate nighttime residence, and includes the following:

- (1) Children and youths who are:
 - (A) sharing the housing of other persons due to:
 - (i) loss of housing;
 - (ii) economic hardship; or
 - (iii) a similar reason;
 - (B) living in:
 - (i) motels;
 - (ii) hotels;
 - (iii) trailer parks; or
 - (iv) camping grounds;
- due to the lack of alternative adequate accommodations;

- (C) living in emergency or transitional shelters;
 - (D) abandoned in hospitals; or
 - (E) awaiting foster care placement.
- (2) Children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings (within the meaning of 42 U.S.C. 11302(a)(2)(C)).
- (3) Children and youths who are living in:
- (A) cars;
 - (B) parks;
 - (C) public spaces;
 - (D) abandoned buildings;
 - (E) substandard housing;
 - (F) bus or train stations; or
 - (G) similar settings.
- (4) Migratory children, as such term is defined in the Elementary and Secondary Education Act of 1965, who qualify as homeless because the children are living in circumstances described in subdivisions (1) through (3).

511 IAC 7-32-47 "Illegal drug" defined

Sec. 47. "Illegal drug" means a controlled substance, but does not include a substance that is legally possessed or used under:

- (1) the supervision of a licensed health care professional; or
- (2) any other authority under the Controlled Substances Act (21 U.S.C. 812(c)) or under any other provision of federal law.

511 IAC 7-32-48 "Individualized education program" or "IEP" defined

Sec. 48. (a) "Individualized education program" or "IEP" means a written document, developed, reviewed, and revised by the CCC in accordance with 511 IAC 7-42, that describes the following:

- (1) How a student will access the general education curriculum, if appropriate.
 - (2) The special education and related services needed to participate in the educational environment.
- The required components of an IEP are contained in 511 IAC 7-42-6.

(b) A transition IEP is an IEP that is:

- (1) developed in accordance with 511 IAC 7-43-4; and
- (2) in effect when the student:
 - (A) enters into grade 9; or
 - (B) becomes fourteen (14) years of age;
 whichever occurs first, or earlier if determined appropriate by the CCC.

511 IAC 7-32-49 "Individualized family service plan" or "IFSP" defined

Sec. 49. "Individualized family service plan" or "IFSP" means the written plan for providing first steps early intervention services to an eligible child and family, from the child's birth up to three (3) years of age, under Part C of the Individuals with Disabilities Education Act, 20 U.S.C. 1436. The IFSP is a process and document that lists a family's:

- (1) priorities;
- (2) concerns; and
- (3) resources;

in regard to their infant or toddler with a disability.

511 IAC 7-32-50 "Infant or toddler with a disability" defined

Sec. 50. "Infant or toddler with a disability" means an individual under three (3) years of age who needs early intervention services under 470 IAC 3.1-4, because the individual:

- (1) is experiencing developmental delays, as measured by appropriate diagnostic instruments and procedures in one (1) or more of the areas of:
 - (A) cognitive development;

- (B) physical development;
 - (C) communication development;
 - (D) social or emotional development; and
 - (E) adaptive development; or
- (2) has a diagnosed physical or mental condition that has a high probability of resulting in developmental delay.

511 IAC 7-32-51 "Initiation of services and program modifications" defined

Sec. 51. "Initiation of services and program modifications" means the projected month, day, and year when special education services and program modifications begin.

511 IAC 7-32-52 "Institution of higher education" defined

Sec. 52. "Institution of higher education":

- (1) has the meaning given the term in Section 101 of the Higher Education Act of 1965, as amended, 20 U.S.C. 1021 et seq.; and
- (2) includes any community college receiving funds from the Secretary of the Interior under the Tribally Controlled Community College or University Assistance Act of 1978, 25 U.S.C. 1801, et seq.

511 IAC 7-32-53 "Interim alternative educational setting" defined

Sec. 53. "Interim alternative educational setting" means a student's placement when the public agency removes a student from the student's current placement as a result of any of the following:

- (1) Under 511 IAC 7-44-3, when a student has been removed for more than ten (10) cumulative instructional days in the same school year, but the removals do not constitute a pattern that results in a change of placement. The public agency may decide to provide services during the removal in an interim alternative educational setting.
- (2) Under 511 IAC 7-44-5, when a CCC determines that a student's conduct is not a manifestation of the student's disability. The CCC may determine that during any period of removal a student will receive services in an interim alternative educational setting.
- (3) Under 511 IAC 7-44-6, when a student is removed by the public agency for not more than forty-five (45) instructional days for weapons, drugs, or serious bodily injury. The student's CCC must determine the appropriate interim alternative educational setting for the period of removal.
- (4) Under 511 IAC 7-44-7, when an independent hearing officer may order a change of placement to an appropriate interim alternative educational setting for not more than forty-five (45) instructional days if the hearing officer determines that maintaining the current placement of the student is substantially likely to result in injury to the student or to others.
- (5) A court may determine an interim alternative educational setting for a student while administrative remedies are exhausted.

511 IAC 7-32-54 "Intervention" defined

Sec. 54. "Intervention" means an educational program, product, practice, or policy aimed at improving student outcomes in a targeted skill area such as reading, math, or behavior/social and emotional skills.

511 IAC 7-32-55 "Job coach" defined

Sec. 55. "Job coach" means an individual who works with and on behalf of a student with a disability who participates in supported employment. A job coach:

- (1) provides support and training to the student and the employer, including, but not limited to, organizing the tasks necessary to do the job into sequential steps; and
- (2) teaches the student by working alongside the student while the tasks and job are being learned.

511 IAC 7-32-56 "Legal settlement" defined

Sec. 56. "Legal settlement", of a student, means the student's status with respect to the school corporation that:

- (1) has the responsibility to permit the student to attend its local public schools without the payment of tuition; or
- (2) is financially responsible should the student attend school in another situation permitted by law.

511 IAC 7-32-57 "Length and frequency of services" defined

Sec. 57. "Length and frequency of services" means for what amount of time and how often special education and related services are to be provided.

511 IAC 7-32-58 "Licensed personnel" defined

Sec. 58. "Licensed personnel" means persons licensed by the department of education and employed by the public agency who are:

- (1) teachers;
- (2) school counselors;
- (3) school psychologists;
- (4) school social workers;
- (5) building principals; and
- (6) other administrators.

511 IAC 7-32-59 "Limited English proficient" defined

Sec. 59. "Limited English proficient" means an individual:

- (1) who is three (3) years of age through twenty-one (21) years of age;
- (2) who is enrolled or preparing to enroll in an elementary school or secondary school;
- (3) who:
 - (A) was not born in the United States or whose native language is a language other than English;
 - (B) is:
 - (i) a Native American or Alaska native, or a native resident of the outlying areas; and
 - (ii) from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or
 - (C) 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
- (4) whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual:
 - (A) the ability to meet Indiana's proficient level of achievement on state assessments;
 - (B) the ability to successfully achieve in classrooms where the language of instruction is English;or
 - (C) the opportunity to participate fully in society.

511 IAC 7-32-60 "Local educational agency" defined

Sec. 60. "Local educational agency" means a public board of education or other public authority legally constituted for either administrative control or direction of, or to perform a service function for, publicly funded schools as such schools are established under the laws of Indiana. The term includes school corporations, charter schools not part of school corporations, and state-operated schools.

511 IAC 7-32-61 "Manifestation determination" defined

Sec. 61. "Manifestation determination" means an evaluative process conducted by the student's CCC, in accordance with 511 IAC 7-44-5, to determine whether the conduct in question was:

- (1) caused by or had a direct and substantial relationship to the student's disability; or
- (2) the direct result of the public agency's failure to implement the student's IEP.

511 IAC 7-32-62 "Mediation" defined

Sec. 62. "Mediation" means a voluntary process, described in 511 IAC 7-45-2, in which the parent and public agency attempt, with the assistance of a trained impartial mediator, to resolve a:

- (1) complaint under 511 IAC 7-45-1; or

- (2) dispute that has arisen in the CCC regarding:
 - (A) the identification or eligibility of a student for services under this article;
 - (B) the appropriateness of the:
 - (i) educational evaluation; or
 - (ii) student's proposed or current level of services or placement; or
 - (C) any other dispute affecting the provision of a free appropriate public education to the student.

511 IAC 7-32-63 "Medical services" defined

Sec. 63. "Medical services" means a related service provided at no cost to the parent under circumstances described in 511 IAC 7-43-1(j).

511 IAC 7-32-64 "Mode of communication" defined

Sec. 64. "Mode of communication" means the method used by the parent or student to communicate, if the parent or student is deaf, hearing impaired, visually impaired, nonverbal, has no written language, or is a nonreader. Methods used may include, but are not limited to, the following:

- (1) Sign language.
- (2) Braille.
- (3) Oral communication.
- (4) Augmentative and alternative communication.

511 IAC 7-32-65 "Multidisciplinary team" defined

Sec. 65. "Multidisciplinary team" means the group of qualified professionals who conduct a student's educational evaluation with input from the student's parent. The qualified professionals include, but are not limited to, the following:

- (1) At least one (1) teacher licensed in, or other specialist with knowledge in, the area of suspected disability.
- (2) A school psychologist, except for a student with a suspected:
 - (A) developmental delay, in which case the multidisciplinary team shall be at least two (2) qualified professionals from different disciplines based upon the needs of the student;
 - (B) language impairment, a speech-language pathologist and at least one (1) qualified professional from a different discipline based upon the needs of the student; or
 - (C) speech impairment only, a speech-language pathologist may serve as the sole qualified professional on the multidisciplinary team.
- (3) For a student with a suspected specific learning disability, the following:
 - (A) The student's general education teacher or, if the student does not have a general education teacher, a general education teacher qualified to teach students of the same age.
 - (B) For early childhood students, an individual who holds an appropriate license to teach early childhood special education.
- (4) For a student who is blind or has low vision, is deaf or hard of hearing, or has suspected multiple disabilities, the public agency may request that representatives of the state-operated schools serve as part of the multidisciplinary team only if the parent has provided written consent, in addition to the written consent to conduct the initial educational evaluation, for the representative's participation in the educational evaluation.

511 IAC 7-32-66 "Native language" defined

Sec. 66. "Native language", for use in all contact with students and parents, means the following:

- (1) For a parent or student of limited English proficiency, the language normally used by that individual in the home.
- (2) For a parent or student who:
 - (A) is deaf or hard of hearing;
 - (B) is blind or has low vision; or
 - (C) has no written language;

the mode of communication that is normally used by the student, such as sign language, braille, or oral communication.

511 IAC 7-32-67 "New teacher" defined

Sec. 67. "New teacher" means a teacher who holds a valid teaching license, but has less than one (1) year of teaching experience.

511 IAC 7-32-68 "Orientation and mobility" defined

Sec. 68. "Orientation and mobility" means services described in 511 IAC 7-43-1(l) provided by qualified personnel to students who are blind or have low vision.

511 IAC 7-32-69 "Paraprofessional" defined

Sec. 69. "Paraprofessional" means an individual who works under the supervision and direction of licensed teachers or related services personnel to assist in areas that relate to personal, social, and instructional needs. The term includes, but is not limited to, the following:

- (1) Instructional or program assistants.
- (2) School bus monitors.
- (3) Interpreters.
- (4) Note takers.
- (5) Job coaches.

511 IAC 7-32-70 "Parent" defined

Sec. 70. (a) "Parent" means one (1) of the following:

- (1) Any biological or adoptive parent whose parental rights have not been terminated or restricted in accordance with law.
- (2) A guardian generally authorized to act as the student's parent, or authorized to make educational decisions for the student, including a court-appointed temporary guardian.
- (3) A foster parent.
- (4) An individual with legal custody or an individual acting in the place of a biological or adoptive parent, including a grandparent, stepparent, or other relative, or other adult who accepts full legal responsibility for the student and with whom the student lives.
- (5) An educational surrogate parent appointed in accordance with 511 IAC 7-39.
- (6) Any student of legal age, which is defined in section 91 of this rule to mean a student who:
 - (A) is eighteen (18) years of age; and
 - (B) has not had a guardian appointed by a court under IC 29-3.
- (7) An educational representative appointed under 511 IAC 7-43-6.

(b) Except as provided in subsection (c), the biological or adoptive parent, when:

- (1) attempting to act as the parent under this article; and
- (2) more than one (1) party is qualified under subsection (a) to act as a parent;

must be presumed to be the parent for purposes of this article unless the biological or adoptive parent does not have legal authority to make educational decisions for the student.

(c) If a judicial decree or order identifies a specific person or persons under subsection (a)(1) through (a)(5) to:

- (1) act as the parent of a student; or
- (2) make educational decisions on behalf of a student;

then such person or persons shall be determined to be the parent for purposes of this article.

511 IAC 7-32-71 "Parentally-placed nonpublic school students with disabilities" defined

Sec. 71. "Parentally-placed nonpublic school students with disabilities" means students with disabilities who are enrolled by their parents in nonpublic, including religious, schools, home schools, or facilities that meet the definition of elementary school in section 33 of this rule or secondary school in section 82 of this rule. The term does not apply to students with disabilities who have been placed in a nonpublic school by a public agency.

511 IAC 7-32-72 "Parent training and information center" defined

Sec. 72. "Parent training and information center" means a center assisted under 20 U.S.C. 1471 or 20 U.S.C. 1472 of the Individuals with Disabilities Education Act.

511 IAC 7-32-73 "Personally identifiable information" defined

Sec. 73. "Personally identifiable information" means information by which it is possible to identify a student with reasonable certainty, including, but not limited to, the following:

- (1) The name of a student, a student's parent or parents, or other family member or members.
- (2) The address of a student.
- (3) A personal identifier, such as a student's Social Security number or student test number.
- (4) A list of personal characteristics or other information that would make the student's identity easily traceable, including disability designation.

511 IAC 7-32-74 "Physical education" defined

Sec. 74. (a) "Physical education" means the development of the following:

- (1) Physical and motor fitness.
- (2) Fundamental motor skills and patterns.
- (3) Skills in the following:
 - (A) Aquatics.
 - (B) Dance.
 - (C) Individual and group games and sports (including intramural and lifetime sports).

(b) The term includes the following:

- (1) Special physical education.
- (2) Adapted physical education.
- (3) Movement education.
- (4) Motor development.

511 IAC 7-32-75 "Print instructional materials" defined

Sec. 75. "Print instructional materials" means printed textbooks and related core materials that are:

- (1) written and published primarily for use in elementary school and secondary school instruction; and
- (2) required by the department of education or a public agency for use by students in the classroom.

511 IAC 7-32-76 "Progress monitoring" defined

Sec. 76. "Progress monitoring" means a systematic procedure for the frequent and repeated collection and analysis of student performance data. Academic or functional performance, or both academic and functional performance, is monitored over time to evaluate the effectiveness of instruction and intervention.

511 IAC 7-32-77 "Public agency" defined

Sec. 77. "Public agency" means any public entity that is responsible for providing special education and related services, including the following:

- (1) Public school corporations operating programs individually or cooperatively.
- (2) Charter schools that are not part of a public school corporation.
- (3) Programs operated by the state department of health.
- (4) The Indiana School for the Blind and Visually Impaired.
- (5) The Indiana School for the Deaf.
- (6) Programs operated by the department of correction.

511 IAC 7-32-78 "Qualified professional" defined

Sec. 78. "Qualified professional" means one who has met state certification, licensing, registration, or other comparable requirements that apply to the area in which the individual is providing special education or related services.

511 IAC 7-32-79 "Related services" defined

Sec. 79. (a) "Related services" means transportation and such developmental, corrective, and other supportive services as are required to assist a student with a disability to benefit from special education. Examples of related services are described in 511 IAC 7-43-1.

(b) The term does not include:

- (1) a medical device that is surgically implanted;
- (2) the optimization of that device's functioning (such as mapping of a cochlear implant);
- (3) maintenance of that device; or
- (4) the replacement of that device.

511 IAC 7-32-80 "Resolution meeting" defined

Sec. 80. "Resolution meeting" means a meeting that is convened by the public agency when a parent requests a due process hearing. The purpose of the meeting is for the parent to discuss the due process hearing request and the facts that form the basis of the request so that the public agency has the opportunity to resolve the dispute. Resolution meetings must be conducted according to 511 IAC 7-45-6.

511 IAC 7-32-81 "Scientifically based research" defined (Repealed)

511 IAC 7-32-82 "Secondary school" defined

Sec. 82. "Secondary school" means a high school, which is any combination of grades 9, 10, 11, or 12.

511 IAC 7-32-83 "Serious bodily injury" defined

Sec. 83. "Serious bodily injury" has the meaning given the term "serious bodily injury" under 18 U.S.C. 1365(h)(3). The term means bodily injury that involves:

- (1) a substantial risk of death;
- (2) extreme physical pain;
- (3) protracted and obvious disfigurement; or
- (4) protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

511 IAC 7-32-84 "Service plan" defined

Sec. 84. "Service plan" means the written document that describes the specific special education and related services the public agency will provide to a parentally-placed nonpublic school student with a disability. The plan must:

- (1) be developed and implemented in accordance with 511 IAC 7-34; and
- (2) include the location of the services and any transportation that is necessary for the student to receive services.

511 IAC 7-32-85 "Social interaction skills" defined

Sec. 85. "Social interaction skills" means a student's personal interactions across social situations and environments.

511 IAC 7-32-86 "Special education" defined

Sec. 86. "Special education" means specially designed instruction, at no cost to the parent, designed to meet the unique needs of a student eligible for special education and related services under this article. The term may include, but is not limited to, the following:

- (1) Instruction conducted in:
 - (A) the classroom;
 - (B) the home;
 - (C) hospitals and institutions; and
 - (D) other settings.

- (2) Instruction in physical education.
- (3) Travel training.
- (4) Transition services.
- (5) Vocational education.
- (6) Speech-language pathology services.

511 IAC 7-32-87 "Special education planning district" defined

Sec. 87. "Special education planning district" means the public school administrative unit responsible for the provision of special education and related services in a specified geographic area. A planning district may be:

- (1) an individual public school corporation; or
- (2) two (2) or more public school corporations that operate under a written agreement.

511 IAC 7-32-88 "Specially designed instruction" defined

Sec. 88. "Specially designed instruction" means adapting, as appropriate to the needs of a student who is eligible for special education and related services, the content, methodology, or delivery of instruction to:

- (1) address the unique needs of the student that result from the student's disability; and
- (2) ensure the student's access to the general curriculum so that the student can meet the educational standards within the jurisdiction of the public agency that apply to all students.

511 IAC 7-32-89 "State educational agency" defined

Sec. 89. "State educational agency" means the department of education.

511 IAC 7-32-90 "Student" defined

Sec. 90. "Student" means any person three (3) years of age through the school year in which the person becomes twenty-two (22) years of age, unless a CCC determines that a student will leave school earlier, who has been:

- (1) formally referred for an educational evaluation to determine the nature and extent of a suspected disability, but not yet determined eligible for special education and related services; or
- (2) determined eligible for special education and related services under this article.

511 IAC 7-32-91 "Student of legal age" defined

Sec. 91. "Student of legal age" means a student who has:

- (1) reached eighteen (18) years of age; and
- (2) not had a guardian appointed by a court under IC 29-3.

511 IAC 7-32-92 "Student with a disability" defined

Sec. 92. (a) "Student with a disability" means a student who has been evaluated in accordance with this article and determined eligible for special education and related services by a CCC.

(b) If, after an appropriate educational evaluation, it is determined that a student has one (1) of the disabilities identified in 511 IAC 7-41, and the CCC determines that the student needs a related service, but not special education, the student is not a student with a disability.

(c) If a parent revokes consent for special education and related services in accordance with 511 IAC 7-42-15, the student is no longer a student with a disability.

511 IAC 7-32-93 "Student with a print disability" defined

Sec. 93. "Student with a print disability" means a student served under this article who may qualify to receive print instructional materials, as defined in section 75 of this rule, in accessible formats in accordance with the act entitled "An act to provide books for adult blind", 2 U.S.C. 135a.

511 IAC 7-32-94 "Summary of performance" defined

Sec. 94. "Summary of performance" refers to the written plan required under 511 IAC 7-43-7 and 511 IAC 7-40-3(h). The plan:

- (1) provides a student with a summary of the student's academic achievement and functional performance; and
- (2) includes recommendations on how to assist the student in meeting the student's postsecondary goals.

511 IAC 7-32-95 "Supplementary aids and services" defined

Sec. 95. "Supplementary aids and services" means aids, services, and other supports that are provided in:

- (1) general education classes;
- (2) other education-related settings; and
- (3) extracurricular and nonacademic settings;

to enable students with disabilities to be educated with nondisabled peers to the maximum extent appropriate in accordance with 511 IAC 7-42-10.

511 IAC 7-32-96 "Systematic observation" defined

Sec. 96. "Systematic observation" means an observation that is conducted to measure specific, well-defined behaviors using structured recording procedures.

511 IAC 7-32-97 "Teacher of record" defined

Sec. 97. "Teacher of record" refers to the single special education teacher to whom a student with a disability is assigned. Each student with a disability must have a teacher of record identified. The teacher of record may be the teacher of service and must be appropriately licensed to work with the student or, where appropriate state licensure is not available, appropriately trained. The teacher of record shall do the following:

- (1) Provide direct or indirect services to the student according to the student's IEP.
- (2) Participate in the CCC meeting as the student's teacher to assist in developing measurable goals, benchmarks, and objectives to meet the student's needs.
- (3) Regularly monitor the implementation of the student's IEP and provide progress reports to the student's parent.
- (4) Ensure the student's IEP is accessible to each of the:
 - (A) student's teachers;
 - (B) related services providers; and
 - (C) other services providers;

who are responsible for implementation of the IEP.

(5) Inform each teacher and provider of his or her specific responsibilities related to implementing the student's IEP.

(6) Ensure that:

- (A) supplementary aids and services;
- (B) program modifications; and
- (C) supports for school personnel;

are provided in accordance with each student's IEP.

(7) Serve as a consultant and resource person to all other personnel providing services to the student.

(8) Ensure any accommodations on statewide or district assessments are implemented according to the student's IEP.

(9) Participate in reevaluations of the student.

(10) Ensure that the CCC is informed of any modifications made to the student's IEP in accordance with 511 IAC 7-42-9(e)(2) and 511 IAC 7-42-9(g).

511 IAC 7-32-98 "Teacher of service" defined

Sec. 98. "Teacher of service" means any teacher providing services to a student with a disability.

511 IAC 7-32-99 "Transition planning" defined

Sec. 99. "Transition planning" means the process of transitioning a child from Part C (early intervention) to Part B (early childhood) that occurs prior to the child's third birthday to enable the child to experience a smooth and effective transition. The transition planning process is initiated by the Part C service coordinator, bringing together public agencies and the family to plan a process that maximizes continuity and minimizes disruptions in services.

511 IAC 7-32-100 "Transition services" defined

Sec. 100. (a) "Transition services" means a coordinated set of activities for a student with a disability that:

- (1) are designed to be within a results-oriented process that is focused on improving the academic and functional achievement of the student with a disability;
- (2) are incorporated into the student's transition IEP in accordance with 511 IAC 7-43-4; and
- (3) facilitate movement from school to post school activities, including, but not limited to:
 - (A) postsecondary education;
 - (B) vocational education or training, or both;
 - (C) integrated employment, including supported employment;
 - (D) continuing and adult education;
 - (E) adult services;
 - (F) independent living; or
 - (G) community participation.

(b) The coordinated set of activities described in subsection (a) must be based on the individual student's needs, taking into account the student's strengths, preferences, and interests, and include the following:

- (1) Instruction.
- (2) Related services.
- (3) Community experiences.
- (4) The development of employment and other post school adult living objectives.
- (5) If appropriate:
 - (A) acquisition of daily living skills; and
 - (B) provision of a functional vocational evaluation.

(c) Transition services for students with disabilities may be:

- (1) special education, if provided as specially designed instruction; or
- (2) a related service, if required to assist a student with a disability to benefit from special education.

511 IAC 7-32-101 "Travel training" defined

Sec. 101. "Travel training" means providing instruction, as appropriate, to a student with a significant cognitive disability, and any other student with disability who requires the instruction, to enable the student to do the following:

- (1) Develop an awareness of the environment in which the student lives.
- (2) Learn the skills necessary to move effectively and safely from place to place within that environment. including, but not limited to, the following:
 - (A) In school.
 - (B) In the home.
 - (C) At work.
 - (D) In the community.

511 IAC 7-32-102 "Universal design" defined

Sec. 102. "Universal design" means a concept or philosophy for designing and delivering products and services that are usable by people with the widest possible range of functional capabilities, which include products and services that are:

- (1) directly accessible, without requiring assistive technologies; and
- (2) interoperable with assistive technologies.

511 IAC 7-32-103 "Veteran teacher" defined

Sec. 103. "Veteran teacher" means a teacher who has earned at least one (1) year of teaching experience while holding a valid teaching license.

511 IAC 7-32-104 "Vocational education" defined

Sec. 104. "Vocational education" means organized educational programs that are directly related to the preparation of individuals for paid or unpaid employment, or for additional preparation for a career requiring other than a bachelor's or advanced degree.

511 IAC 7-32-105 "Ward of the state" defined

Sec. 105. "Ward of the state" refers to the student who has been removed from the student's home for suspected or actual neglect or abuse, and the court has issued an order restricting or terminating the rights of the student's parent.

511 IAC 7-32-106 "Weapon" defined

Sec. 106. "Weapon" has the meaning given:

- (1) "dangerous weapon" under 18 U.S.C. 930(g)(2), which means:
 - (A) a weapon;
 - (B) a device;
 - (C) an instrument;
 - (D) a material; or
 - (E) a substance;

animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that the term does not include a pocketknife with a blade of less than two and one-half (2 1/2) inches in length;

- (2) "deadly weapon" under IC 35-31.5-2-86; and
- (3) "firearm" under IC 35-47-1-5.

RULE 33. GENERAL PROVISIONS

511 IAC 7-33-1 Scope

Sec. 1. (a) This article applies to all special education programs provided for students at least three (3) years of age through the school year in which students become twenty-two (22) years of age, unless a CCC determines that a student will leave school earlier.

(b) The department of education, division of special education is the state educational agency responsible for the general supervision of all special education programs, as specified in IC 20-18-2-9 and IC 20-35.

(c) This article applies to all programs and services subject to the supervision of the state educational agency, including those programs conducted by or through the following:

- (1) Public school corporations.
- (2) Charter schools.
- (3) Special education planning districts.
- (4) State agencies.
- (5) Other public agencies.

511 IAC 7-33-2 Public schools' special education programs; organizational and administrative structures

Sec. 2. (a) Public school corporations, charter schools, and other public agencies shall provide a free appropriate public education to students who: