



January 26, 2016

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## HOUSE BILL No. 1395

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DIGEST OF HB 1395 (Updated January 26, 2016 9:54 am - DI 116)

**Citations Affected:** IC 20-24.2; IC 20-31; IC 20-32; noncode.

**Synopsis:** ISTEP matters. Provides that provisions relating to high ability students apply to performance qualified school districts. Requires that scores of student responses under an ISTEP program test must be reported to the state board of education not later than July 1 of the year in which the ISTEP program test is administered. Provides that the department of education shall release sample essay responses to an ISTEP program test to highlight the accomplishments of students. Urges the legislative council to assign to the appropriate study committee the issue of whether it is feasible to release all ISTEP program test questions to the public. Provides that the ISTEP program expires July 1, 2017. Establishes the committee on student success. Provides that the committee of student success consists of 24 members. Provides that the state board of education shall develop Indiana's system for measuring kindergarten through grade 12 performance based on the recommendations of the committee on student success. Provides that the state board of education may require the department of education to enter into an agreement with a third party vendor to rescore the ISTEP program test results of the ISTEP program test that was administered in the spring of 2015. Repeals provision that requires the state board to develop alternative benchmarks, performance indicators, and accountability standards to be used in the assessment of schools that focus exclusively on providing an academic program for students with developmental, intellectual, or behavioral challenges.

**Effective:** Upon passage; July 1, 2016.

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### Behning, Austin

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January 13, 2016, read first time and referred to Committee on Education.  
January 26, 2016, amended, reported — Do Pass. Referred to Committee on Ways and Means pursuant to Rule 127.

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HB 1395—LS 7078/DI 116





January 26, 2016

Second Regular Session of the 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

## HOUSE BILL No. 1395

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A BILL FOR AN ACT to amend the Indiana Code concerning education.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 20-24.2-4-3, AS AMENDED BY P.L.233-2015,  
2 SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2016]: Sec. 3. (a) Except as specifically provided in this  
4 article and section 4 of this chapter, the following provisions of this  
5 title and a rule or guideline adopted by the state board under one (1) of  
6 the following provisions of this title do not apply to a qualified district  
7 or qualified high school:  
8 (1) Provisions that do not apply to school corporations in general.  
9 (2) IC 20-20 (programs administered by the state), except for  
10 IC 20-20-1 (educational service centers) and IC 20-20-8 (school  
11 corporation annual performance report).  
12 (3) IC 20-28 (school teachers), except for IC 20-28-3-4 (teacher  
13 continuing education), IC 20-28-4-8 (hiring of transition to  
14 teaching participants; restrictions), IC 20-28-4-11 (transition to  
15 teaching participants; school corporation or subject area;

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1 transition to teaching permit), IC 20-28-5-8 (conviction of certain  
 2 felonies; notice and hearing; permanent revocation of license;  
 3 data base of school employees who have been reported),  
 4 IC 20-28-6 (teacher contracts), IC 20-28-7.5 (cancellation of  
 5 teacher contracts), IC 20-28-8 (contracts with school  
 6 administrators), IC 20-28-9 (teacher salary and related payments),  
 7 IC 20-28-10 (conditions of employment), and IC 20-28-11.5 (staff  
 8 performance evaluations).

9 (4) IC 20-30 (curriculum), except for IC 20-30-3-2 and  
 10 IC 20-30-3-4 (patriotic commemorative observances),  
 11 IC 20-30-5-13 (human sexuality instructional requirements), and  
 12 IC 20-30-5-19 (personal financial responsibility instruction).

13 (5) IC 20-32 (student standards, assessments, and performance),  
 14 except for IC 20-32-4 (graduation requirements), IC 20-32-5  
 15 (Indiana statewide testing for educational progress), and  
 16 IC 20-32-8 (remediation).

17 ~~(6) IC 20-36 (high ability students):~~

18 ~~(7) (6) IC 20-37 (career and technical education).~~

19 (b) Notwithstanding any other law, a school corporation may not  
 20 receive a decrease in state funding based upon the school corporation's  
 21 status as a qualified district or the status of a high school within the  
 22 school corporation as a qualified high school, or because of the  
 23 implementation of a waiver of a statute or rule that is allowed to be  
 24 waived by a qualified district or qualified high school.

25 SECTION 2. IC 20-24.2-4-4, AS AMENDED BY P.L.233-2015,  
 26 SECTION 84, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 27 JULY 1, 2016]: Sec. 4. The following provisions of this title and rules  
 28 and guidelines adopted under the following provisions of this title  
 29 apply to a qualified district or qualified high school:

30 IC 20-20-1 (educational service centers).

31 IC 20-20-8 (school corporation annual performance report).

32 IC 20-23 (organization of school corporations).

33 IC 20-26 (school corporation general administrative provisions).

34 IC 20-27 (school transportation).

35 IC 20-28-3-4 (teacher continuing education).

36 IC 20-28-4-8 (hiring of transition to teaching participants;  
 37 restrictions).

38 IC 20-28-4-11 (transition to teaching participants; school  
 39 corporation or subject area; transition to teaching permit).

40 IC 20-28-5-8 (conviction of certain felonies; notice and hearing;  
 41 permanent revocation of license; data base of school employees  
 42 who have been reported).



- 1 IC 20-28-6 (teacher contracts).  
 2 IC 20-28-7.5 (cancellation of teacher contracts).  
 3 IC 20-28-8 (contracts with school administrators).  
 4 IC 20-28-9 (teacher salary and related payments).  
 5 IC 20-28-10 (conditions of employment).  
 6 IC 20-28-11.5 (staff performance evaluations).  
 7 IC 20-29 (collective bargaining for teachers).  
 8 IC 20-30-3-2 and IC 20-30-3-4 (patriotic commemorative  
 9 observances).  
 10 IC 20-30-5-13 (human sexuality instructional requirements).  
 11 IC 20-30-5-19 (personal financial responsibility instruction).  
 12 IC 20-31 (accountability for school performance and  
 13 improvement).  
 14 IC 20-32-4, IC 20-32-5, and IC 20-32-8 (accreditation,  
 15 assessment, and remediation), or any other statute, rule, or  
 16 guideline related to standardized assessments.  
 17 IC 20-33 (students: general provisions).  
 18 IC 20-34-3 (health and safety measures).  
 19 IC 20-35 (special education).  
 20 **IC 20-36 (high ability students).**  
 21 IC 20-39 (accounting and financial reporting procedures).  
 22 IC 20-40 (government funds and accounts).  
 23 IC 20-41 (extracurricular funds and accounts).  
 24 IC 20-42.5 (allocation of expenditures to student instruction).  
 25 IC 20-43 (state tuition support).  
 26 IC 20-44 (property tax levies).  
 27 IC 20-45 (general fund levies).  
 28 IC 20-46 (levies other than general fund levies).  
 29 IC 20-47 (related entities; holding companies; lease agreements).  
 30 IC 20-48 (borrowing and bonds).  
 31 IC 20-49 (state management of common school funds; state  
 32 advances and loans).  
 33 IC 20-50 (homeless children and foster care children).  
 34 SECTION 3. IC 20-31-8-4.5 IS REPEALED [EFFECTIVE JULY  
 35 1, 2016]. ~~Sec. 4.5: In addition to other benchmarks, performance~~  
 36 ~~indicators, and accountability standards developed under this article,~~  
 37 ~~the state board shall develop alternative benchmarks, performance~~  
 38 ~~indicators, and accountability standards to be used in the assessment of~~  
 39 ~~schools that focus exclusively on providing an academic program for~~  
 40 ~~students with developmental, intellectual, or behavioral challenges.~~  
 41 SECTION 4. IC 20-32-5-6, AS ADDED BY P.L. 1-2005, SECTION  
 42 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON



1 PASSAGE]: Sec. 6. **(a)** The scoring of student responses under an  
 2 ISTEP program test:

- 3 (1) must measure student achievement relative to the academic  
 4 standards established by the state board;  
 5 (2) must adhere to scoring rubrics and anchor papers; and  
 6 (3) may not reflect the scorer's judgment of the values expressed  
 7 by a student in the student's responses.

8 **(b) The scores of student responses under an ISTEP program**  
 9 **test must be reported to the state board not later than July 1 of the**  
 10 **year in which the ISTEP program test is administered.**

11 SECTION 5. IC 20-32-5-9, AS AMENDED BY P.L.219-2015,  
 12 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 13 UPON PASSAGE]: Sec. 9. (a) After reports of student scores are  
 14 returned to a school corporation, the school corporation shall promptly  
 15 do the following:

- 16 (1) Give each student and the student's parent the student's ISTEP  
 17 program test scores.  
 18 (2) Make available for inspection to each student and the student's  
 19 parent the following:  
 20 (A) A copy of all questions that are not multiple choice or true  
 21 and false and prompts used in assessing the student.  
 22 (B) A copy of the student's scored responses.  
 23 (C) A copy of the anchor papers and scoring rubrics used to  
 24 score the student's responses.

25 A student's parent may request a rescoring of a student's responses to  
 26 an ISTEP program test, including a student's essay.

27 (b) A student's ISTEP program test scores may not be disclosed to  
 28 the public.

29 **(c) The department shall release sample essay responses to an**  
 30 **ISTEP program test to highlight the accomplishments of students.**

31 SECTION 6. IC 20-32-5-23 IS ADDED TO THE INDIANA CODE  
 32 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE  
 33 UPON PASSAGE]: **Sec. 23. This chapter expires July 1, 2017.**

34 SECTION 7. IC 20-32-5.1 IS ADDED TO THE INDIANA CODE  
 35 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
 36 UPON PASSAGE]:

37 **Chapter 5.1. Measuring Kindergarten Through Grade 12**  
 38 **Performance**

39 **Sec. 1. (a) As used in this chapter, "committee" refers to the**  
 40 **committee on student success established by subsection (b).**

41 **(b) The committee on student success is established to evaluate**  
 42 **Indiana's current system for measuring kindergarten through**



1 grade 12 performance and to make recommendations regarding its  
2 findings to the state board and, in an electronic format under  
3 IC 5-14-6, to the general assembly.

4 (c) The committee consists of the following twenty-four (24)  
5 members:

6 (1) Seven (7) members appointed by the speaker of the house  
7 of representatives consisting of the following:

8 (A) One (1) member of the general assembly.

9 (B) One (1) member of the general assembly appointed in  
10 consultation with the minority floor leader of the house of  
11 representatives.

12 (C) One (1) member who is a school teacher or former  
13 school teacher appointed in consultation with the minority  
14 floor leader of the house of representatives.

15 (D) One (1) member who is a business leader.

16 (E) One (1) member who is a school administrator or  
17 former school administrator.

18 (F) One (1) member who is a member of a school  
19 corporation's governing body.

20 (G) One (1) member who is a parent with a child who is  
21 currently in school.

22 (2) Seven (7) members appointed by the president pro  
23 tempore of the senate consisting of the following:

24 (A) One (1) member of the general assembly.

25 (B) One (1) member of the general assembly appointed in  
26 consultation with the minority floor leader of the senate.

27 (C) One (1) member who is a school administrator or  
28 former school administrator appointed in consultation  
29 with the minority floor leader of the senate.

30 (D) One (1) member who is a business leader.

31 (E) One (1) member who is a school teacher or former  
32 school teacher.

33 (F) One (1) member who is a member of a school  
34 corporation's governing body.

35 (G) One (1) member who is a parent with a child who is  
36 currently in school.

37 (3) Three (3) members appointed by the governor consisting  
38 of the following members:

39 (A) One (1) member who is a school teacher or former  
40 school teacher.

41 (B) One (1) member who is a business leader.

42 (C) One (1) member who has technical expertise in



- 1 standardized testing.
- 2 (4) Three (3) members appointed by the state superintendent
- 3 consisting of the following members:
- 4 (A) One (1) member who is a school teacher or former
- 5 school teacher.
- 6 (B) One (1) member who is a business leader.
- 7 (C) One (1) member who has technical expertise in
- 8 standardized testing.
- 9 (5) A member of the state board, selected by the state board.
- 10 (6) The commissioner for the commission for higher
- 11 education, or the commissioner's designee.
- 12 (7) The state superintendent, or the state superintendent's
- 13 designee.
- 14 (8) The commissioner of the department of workforce
- 15 development, or the commissioner's designee.
- 16 (d) The members described in subsection (c)(1)(A) and (c)(2)(A)
- 17 shall serve as co-chairpersons for the committee.
- 18 (e) Members appointed under subsection (c)(1) through (c)(5)
- 19 shall be appointed by the member's respective appointing authority
- 20 not later than May 1, 2016. Each member appointed under
- 21 subsection (c)(1) through (c)(5) serves at the will of the member's
- 22 appointing authority
- 23 (e) A quorum consists of thirteen (13) members. The affirmative
- 24 votes of thirteen (13) members are required for the committee to
- 25 take action on any measure, including the final report.
- 26 (f) Each member of the panel who is not a state employee is
- 27 entitled to receive both of the following:
- 28 (1) The minimum salary per diem provided by
- 29 IC 4-10-11-2.1(b).
- 30 (2) Reimbursement for travel expenses, as provided in the
- 31 state travel policies and procedures established by the Indiana
- 32 department of administration and approved by the budget
- 33 agency.
- 34 (g) Each member of the panel who is a state employee is entitled
- 35 to reimbursement for travel expenses actually incurred in
- 36 connection with the member's duties, as provided in the state travel
- 37 policies and procedures established by the Indiana department of
- 38 administration and approved by the budget agency.
- 39 (h) The committee shall meet as often as is necessary to properly
- 40 perform its duties.
- 41 (i) The co-chairpersons of the committee may establish one (1)
- 42 or more subcommittees and shall appoint the members of the





1 subcommittees from among the members of the committee. The  
 2 co-chairpersons of the committee shall appoint the chair of each  
 3 subcommittee. The expenses of a subcommittee shall be paid in  
 4 accordance with subsections (f) and (g).

5 (j) The legislative services agency shall provide administrative  
 6 support for the committee or any subcommittee established under  
 7 subsection (i). The state board and the department shall provide  
 8 research and technical assistance for the committee and any  
 9 subcommittee established under subsection (i).

10 (k) On or before November 1, 2016, the committee shall adopt  
 11 a final report of its findings. A copy of the report shall be  
 12 submitted to the:

13 (1) governor;

14 (2) state board; and

15 (3) general assembly, in an electronic format under IC 5-14-6.

16 (l) This section expires January 1, 2018.

17 Sec. 2. Before July 1, 2017, the state board shall develop  
 18 Indiana's system for measuring kindergarten through grade 12  
 19 performance based on the recommendations of the committee and  
 20 applicable federal law. The system for measuring performance  
 21 shall be implemented beginning in the 2017-2018 school year.

22 Sec. 3. The state board may adopt rules under IC 4-22-2,  
 23 including emergency rules in the manner provided under  
 24 IC 4-22-2-37.1, to implement this chapter.

25 SECTION 8. [EFFECTIVE JULY 1, 2016] (a) As used in this  
 26 SECTION, "legislative council" refers to the legislative council  
 27 established by IC 2-5-1.1-1.

28 (b) The general assembly urges the legislative council to assign  
 29 to an appropriate study committee the issue of whether it is  
 30 feasible to release all ISTEP program test questions to the public.  
 31 The committee, if assigned the topic, shall review issues relating to  
 32 the following:

33 (1) Cost.

34 (2) Increased testing time to pilot new questions.

35 (3) Transparency.

36 (4) Student achievement.

37 (5) Teaching.

38 (c) If the topic described in subsection (b) is assigned to a study  
 39 committee, the study committee shall issue a final report to the  
 40 legislative council containing the study committee's findings and  
 41 recommendations, including any recommended legislation  
 42 concerning the topics, in an electronic format under IC 5-14-6 not



1 later than November 1, 2016.  
2 (d) This SECTION expires December 31, 2016.  
3 SECTION 9. [EFFECTIVE UPON PASSAGE] (a) The definitions  
4 in IC 20 apply throughout this SECTION.  
5 (b) The state board may require the department to enter into an  
6 agreement with a third party vendor to rescore the ISTEP  
7 program test results of the ISTEP program test that was  
8 administered in the spring of 2015.  
9 (c) This SECTION expires January 1, 2017.  
10 SECTION 10. [EFFECTIVE JULY 1, 2016] (a) The legislative  
11 services agency shall prepare legislation for introduction in the  
12 2017 regular session of the general assembly to organize and  
13 correct statutes affected by this act.  
14 (b) This SECTION expires December 31, 2018.  
15 SECTION 11. An emergency is declared for this act.



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1395, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, between lines 33 and 34, begin a new paragraph and insert:

"SECTION 3. IC 20-31-8-4.5 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 4.5: In addition to other benchmarks, performance indicators, and accountability standards developed under this article, the state board shall develop alternative benchmarks, performance indicators, and accountability standards to be used in the assessment of schools that focus exclusively on providing an academic program for students with developmental, intellectual, or behavioral challenges.~~".

Page 4, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 6. IC 20-32-5-23 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE UPON PASSAGE]: **Sec. 23. This chapter expires July 1, 2017.**

SECTION 7. IC 20-32-5.1 IS ADDED TO THE INDIANA CODE AS A **NEW CHAPTER TO READ AS FOLLOWS** [EFFECTIVE UPON PASSAGE]:

**Chapter 5.1. Measuring Kindergarten Through Grade 12 Performance**

**Sec. 1. (a) As used in this chapter, "committee" refers to the committee on student success established by subsection (b).**

**(b) The committee on student success is established to evaluate Indiana's current system for measuring kindergarten through grade 12 performance and to make recommendations regarding its findings to the state board and, in an electronic format under IC 5-14-6, to the general assembly.**

**(c) The committee consists of the following twenty-four (24) members:**

**(1) Seven (7) members appointed by the speaker of the house of representatives consisting of the following:**

**(A) One (1) member of the general assembly.**

**(B) One (1) member of the general assembly appointed in consultation with the minority floor leader of the house of representatives.**

**(C) One (1) member who is a school teacher or former school teacher appointed in consultation with the minority floor leader of the house of representatives.**

**(D) One (1) member who is a business leader.**

**(E) One (1) member who is a school administrator or**



former school administrator.

(F) One (1) member who is a member of a school corporation's governing body.

(G) One (1) member who is a parent with a child who is currently in school.

(2) Seven (7) members appointed by the president pro tempore of the senate consisting of the following:

(A) One (1) member of the general assembly.

(B) One (1) member of the general assembly appointed in consultation with the minority floor leader of the senate.

(C) One (1) member who is a school administrator or former school administrator appointed in consultation with the minority floor leader of the senate.

(D) One (1) member who is a business leader.

(E) One (1) member who is a school teacher or former school teacher.

(F) One (1) member who is a member of a school corporation's governing body.

(G) One (1) member who is a parent with a child who is currently in school.

(3) Three (3) members appointed by the governor consisting of the following members:

(A) One (1) member who is a school teacher or former school teacher.

(B) One (1) member who is a business leader.

(C) One (1) member who has technical expertise in standardized testing.

(4) Three (3) members appointed by the state superintendent consisting of the following members:

(A) One (1) member who is a school teacher or former school teacher.

(B) One (1) member who is a business leader.

(C) One (1) member who has technical expertise in standardized testing.

(5) A member of the state board, selected by the state board.

(6) The commissioner for the commission for higher education, or the commissioner's designee.

(7) The state superintendent, or the state superintendent's designee.

(8) The commissioner of the department of workforce development, or the commissioner's designee.

(d) The members described in subsection (c)(1)(A) and (c)(2)(A)



shall serve as co-chairpersons for the committee.

(e) Members appointed under subsection (c)(1) through (c)(5) shall be appointed by the member's respective appointing authority not later than May 1, 2016. Each member appointed under subsection (c)(1) through (c)(5) serves at the will of the member's appointing authority

(e) A quorum consists of thirteen (13) members. The affirmative votes of thirteen (13) members are required for the committee to take action on any measure, including the final report.

(f) Each member of the panel who is not a state employee is entitled to receive both of the following:

- (1) The minimum salary per diem provided by IC 4-10-11-2.1(b).
- (2) Reimbursement for travel expenses, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

(g) Each member of the panel who is a state employee is entitled to reimbursement for travel expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

(h) The committee shall meet as often as is necessary to properly perform its duties.

(i) The co-chairpersons of the committee may establish one (1) or more subcommittees and shall appoint the members of the subcommittees from among the members of the committee. The co-chairpersons of the committee shall appoint the chair of each subcommittee. The expenses of a subcommittee shall be paid in accordance with subsections (f) and (g).

(j) The legislative services agency shall provide administrative support for the committee or any subcommittee established under subsection (i). The state board and the department shall provide research and technical assistance for the committee and any subcommittee established under subsection (i).

(k) On or before November 1, 2016, the committee shall adopt a final report of its findings. A copy of the report shall be submitted to the:

- (1) governor;
  - (2) state board; and
  - (3) general assembly, in an electronic format under IC 5-14-6.
- (l) This section expires January 1, 2018.



**Sec. 2. Before July 1, 2017, the state board shall develop Indiana's system for measuring kindergarten through grade 12 performance based on the recommendations of the committee and applicable federal law. The system for measuring performance shall be implemented beginning in the 2017-2018 school year.**

**Sec. 3. The state board may adopt rules under IC 4-22-2, including emergency rules in the manner provided under IC 4-22-2-37.1, to implement this chapter."**

Page 5, delete lines 2 through 42, begin a new paragraph and insert:  
"SECTION 8. [EFFECTIVE UPON PASSAGE] (a) **The definitions in IC 20 apply throughout this SECTION.**

**(b) The state board may require the department to enter into an agreement with a third party vendor to rescore the ISTEP program test results of the ISTEP program test that was administered in the spring of 2015.**

**(c) This SECTION expires January 1, 2017.**

SECTION 9. [EFFECTIVE JULY 1, 2016] (a) **The legislative services agency shall prepare legislation for introduction in the 2017 regular session of the general assembly to organize and correct statutes affected by this act.**

**(b) This SECTION expires December 31, 2018."**

Delete page 6.

Page 7, delete lines 1 through 6.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1395 as introduced.)

BEHNING

Committee Vote: yeas 12, nays 0.

