

HOUSE BILL No. 1404

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-24-2.2-2; IC 20-30-10-5; IC 20-31-8.

Synopsis: School accountability. Provides that a high school may count a: (1) work based learning course; or (2) career and technical educational course that is an approved course under the rules established by the state board of education; as satisfying an Indiana diploma with a Core 40 with academic honors designation or another designation requirement. Provides that, before July 1, 2020, the state board of education shall establish new standards of measuring school performance. Makes conforming amendments.

Effective: Upon passage; July 1, 2019.

Cook, Behning

January 14, 2019, read first time and referred to Committee on Education.



First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

HOUSE BILL No. 1404

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 20-24-2.2-2, AS AMENDED BY P.L.250-2017,
2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 2. (a) The minimum standard for renewal and
4 the standard to avoid closure imposed by authorizers on a charter
5 school is a requirement that the charter school not remain in the lowest
6 category or designation of school improvement, including any
7 alternative accountability category or designation, in the third year after
8 initial placement in the lowest category or designation established
9 under IC 20-31-8-4.
10 (b) An authorizer of a charter school that does not meet the
11 minimum standard for charter school renewal described in subsection
12 (a) may petition the state board at any time to request permission to
13 renew the charter school's charter notwithstanding the fact that the
14 charter school does not meet the minimum standard. If timely
15 notification is made, the state board shall hold a hearing to consider the
16 authorizer's request at the state board's next regularly scheduled board
17 meeting.



1 (c) In determining whether to grant a request under subsection (b),
2 the state board shall consider the following:

3 (1) Enrollment of students with special challenges, such as drug
4 or alcohol addiction, prior withdrawal from school, prior
5 incarceration, or other special circumstances.

6 (2) High mobility of the student population resulting from the
7 specific purpose of the charter school.

8 (3) Annual improvement in the performance of students enrolled
9 in the charter school, as measured by ~~IC 20-31-8-1~~, **under**
10 **IC 20-31-8**, compared with the performance of students enrolled
11 in the charter school in the immediately preceding school year.

12 (d) After the hearing, the state board must implement one (1) or
13 more of the following actions:

14 (1) Grant the authorizer's request to renew the charter of the
15 charter school. The state board may determine the length of the
16 renewal and any conditions of the renewal placed upon either the
17 charter school or the authorizer.

18 (2) Order the closure of the charter school at the end of the
19 current school year.

20 (3) Order the reduction of any administrative fee collected under
21 IC 20-24-7-4 that is applicable to the charter school identified in
22 subsection (b). The reduction must become effective at the
23 beginning of the month following the month of the authorizer's
24 hearing before the state board.

25 A charter school that is closed by the state board under this section may
26 not be granted a charter by any authorizer.

27 SECTION 2. IC 20-30-10-5, AS AMENDED BY P.L.215-2018(ss),
28 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 JULY 1, 2019]: Sec. 5. Notwithstanding any other law, a high school
30 may:

31 (1) replace high school courses on the high school transcript with
32 dual credit courses (as defined in IC 21-43-1-2.5), Cambridge
33 International courses, or advanced placement courses on the same
34 subject matter with equal or greater rigor to the required high
35 school course; and ~~may~~

36 (2) count ~~such~~ a:

37 (A) course **described in subdivision (1);**

38 (B) **work based learning course (as defined in**
39 **IC 20-43-8-0.7); or**

40 (C) **career and technical education course that is an**
41 **approved high school course under the rules established by**
42 **the state board;**



1 as satisfying an Indiana diploma with a Core 40 with academic
2 honors designation or another designation requirement.

3 A dual credit course must be authorized by an eligible institution (as
4 described in IC 21-43-4-3.5) that is a member of a national dual credit
5 accreditation organization, or the eligible institution must make
6 assurances that the final assessment for the course given for dual credit
7 under this section is substantially equivalent to the final assessment
8 given in the college course in that subject.

9 SECTION 3. IC 20-31-8-1, AS AMENDED BY P.L.192-2018,
10 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 UPON PASSAGE]: Sec. 1. (a) The performance of a school's students
12 on the statewide assessment program test and other assessments
13 recommended by the department of education and approved by the
14 state board are the primary and majority means of assessing a school's
15 improvement.

16 (b) The department of education shall examine and make
17 recommendations to the state board concerning:

18 (1) performance indicators to be used as a secondary means of
19 determining school progress;

20 (2) expected progress levels, continuous improvement measures,
21 distributional performance levels, and absolute performance
22 levels for schools; and

23 (3) an orderly transition from the performance based accreditation
24 system to the assessment system set forth in this article.

25 (c) The department of education shall consider methods of
26 measuring improvement and progress used in other states in developing
27 recommendations under this section.

28 (d) The department of education may consider:

29 (1) the likelihood that a student may fail a graduation exam
30 (before July 1, 2022) or fail to meet a postsecondary readiness
31 competency established by the state board under
32 IC 20-32-4-1.5(c) and require a graduation waiver under
33 IC 20-32-4-4, IC 20-32-4-4.1, or IC 20-32-4-5; and

34 (2) remedial needs of students who are likely to require remedial
35 work while the students attend a postsecondary educational
36 institution or workforce training program;

37 when making recommendations under this section.

38 **(e) This section expires June 30, 2020.**

39 SECTION 4. IC 20-31-8-2, AS AMENDED BY P.L.242-2017,
40 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 UPON PASSAGE]: Sec. 2. ~~(a) In addition to scores on the statewide
42 assessment program test and other assessments;~~ The department shall



1 use the performance indicators developed by the state board **under this**
 2 **chapter** and the benchmarks and indicators of performance in each
 3 school corporation's annual performance report as a **secondary** means
 4 of assessing the performance of each school and school corporation.

5 (b) The department shall assess school performance in the following
 6 manner:

7 (1) Compare the academic performance and growth of the
 8 individual students in each school and each school corporation
 9 with the prior academic performance and growth of the individual
 10 students in the school or school corporation and not to the
 11 performance of other schools or school corporations.

12 (2) Compare the results in the annual report under IC 20-20-8
 13 with the benchmarks and indicators of performance established in
 14 the plan for the same school.

15 (3) Compare the results for a school by comparing each student's
 16 results for each grade with the student's prior year results, with an
 17 adjustment for student mobility rate.

18 (4) Compare the results for a school with the state average and the
 19 ninety-fifth percentile level for all assessments and performance
 20 indicators.

21 SECTION 5. IC 20-31-8-3, AS AMENDED BY P.L.86-2018,
 22 SECTION 181, IS AMENDED TO READ AS FOLLOWS
 23 [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The state board shall
 24 establish a number of categories, using an "A" through "F" grading
 25 scale, to designate **school** performance. ~~based on the individual student~~
 26 ~~academic performance and growth to proficiency in each school.~~

27 (b) The state board, in consultation with the department, shall define
 28 "low population schools" and shall determine the criteria for placing
 29 low population schools in categories established under subsection (a).
 30 In setting the definition and criteria for low population schools, the
 31 state board shall not penalize schools based on population. An eligible
 32 school (as defined in IC 20-51-1-4.7) may not be penalized under
 33 IC 20-51-4-9 for the sole reason that the eligible school is considered
 34 a low population school under this subsection. The state board's
 35 definition and criteria may include the placement of a school that fits
 36 the state board's definition in a "null" or "no letter grade" category.

37 (c) In developing metrics for the categories established under
 38 subsection (a), the state board, in consultation with the department, to
 39 the extent not inconsistent with federal law, shall consider the severity
 40 of tested students' disabilities when using statewide assessment scores
 41 as a means of assessing school performance.

42 (d) In developing metrics for the categories established under



1 subsection (a), the state board shall consider the mobility of high
 2 school students who are credit deficient and whether any high school
 3 should be rewarded for enrolling credit deficient students or penalized
 4 for transferring out credit deficient students.

5 SECTION 6. IC 20-31-8-4, AS AMENDED BY P.L.213-2015,
 6 SECTION 197, IS AMENDED TO READ AS FOLLOWS
 7 [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The state board shall
 8 place each school in a category or designation of school performance
 9 once annually based on the department's findings ~~from the assessment~~
 10 ~~of performance and academic growth under section 2 of this chapter.~~
 11 **from indicators established by the state board under this chapter.**

12 (b) The state board may place a school in a category or designation
 13 of school performance only if:

14 (1) the department has provided each school the opportunity to
 15 review, add to, or supplement the data, and to correct any errors
 16 in the data; and

17 (2) the state board's staff has had an opportunity to review and
 18 analyze the school corporation, school, and student level data.

19 (c) The state board may obtain assistance from another entity or,
 20 with the approval of the legislative council, the legislative services
 21 agency, to ensure the validity and reliability of the performance
 22 category or designation placements calculated by the department under
 23 section 2 of this chapter. The department shall provide all the data
 24 necessary to complete those calculations to the legislative services
 25 agency or to an entity designated by the state board.

26 SECTION 7. IC 20-31-8-5.4, AS ADDED BY P.L.2-2014,
 27 SECTION 88, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 UPON PASSAGE]: Sec. 5.4. (a) Not later than November 15, 2013, the
 29 state board shall establish new categories or designations of school
 30 performance under the requirements of this chapter to replace 511
 31 IAC 6.2-6. The new standards of assessing school performance:

32 (1) must be based on a measurement of individual student
 33 academic performance and growth to proficiency; and

34 (2) may not be based on a measurement of student performance
 35 or growth compared with peers.

36 511 IAC 6.2-6 is void on the effective date of the emergency or final
 37 rules adopted under this section.

38 (b) After July 1, 2013, the state board:

39 (1) shall adopt rules under IC 4-22-2; and

40 (2) may adopt emergency rules in the manner provided in
 41 IC 4-22-2-37.1;

42 to implement this chapter.



1 (c) An emergency rule adopted under subsection (b) expires on the
2 earlier of:

3 (1) November 15, 2014; or

4 (2) the effective date of a rule that establishes categories or
5 designations of school improvement described in this section and
6 supersedes the emergency rule.

7 (d) Before beginning the rulemaking process to establish new
8 categories or designations of school improvement, the state board shall
9 report to the general assembly the proposed new categories or
10 designations in an electronic format under IC 5-14-6.

11 **(e) This section expires June 30, 2020.**

12 SECTION 8. IC 20-31-8-5.5 IS ADDED TO THE INDIANA CODE
13 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
14 UPON PASSAGE]: **Sec. 5.5. (a) Before July 1, 2020, the state board
15 shall establish new categories or designations of school
16 performance under this section to replace 511 IAC 6.2-10. The new
17 standards of assessing school performance shall include the
18 following requirements:**

19 **(1) For an elementary school, the following:**

20 **(A) The school performance assessment must be based on
21 indicators that measure the school level proficiency rate
22 and participation rate that must be measured annually
23 under IC 20-32-5.1 (ILEARN program) in the subject
24 areas of English/language arts and mathematics for grades
25 3 through 8.**

26 **(B) The school performance assessment must be based on
27 school level student growth indicators determined using a
28 growth to proficiency table in the subject areas of
29 English/language arts and mathematics for grades 4
30 through 8 that shall be measured annually under
31 IC 20-32-5.1 (ILEARN program).**

32 **(C) The school performance assessment must be based on
33 indicators established by the state board that measure the
34 percentage of applicable students who have fulfilled either:**

35 **(i) career engagement activities, as determined by the
36 governor's workforce cabinet in consultation with the
37 state board for kindergarten through grade 5; or**

38 **(ii) career exploration activities, as determined by the
39 governor's workforce cabinet in consultation with the
40 state board for grades 6 through 8.**

41 **(D) The school performance assessment must be based on
42 an indicator that uses a growth to target model to measure**



- 1 school wide applicable growth in English learners (as
 2 defined in 20 U.S.C. 7801(20)) using an English language
 3 proficiency assessment.
- 4 **(2) For a high school, the following:**
- 5 **(A) The school performance assessment must be based on**
 6 **indicators established by the state board that measure the**
 7 **number of applicable students who attend the high school**
 8 **who demonstrate college or career readiness based on any**
 9 **of the following graduation pathway requirements**
 10 **approved by the state board under IC 20-32-4-1.5:**
- 11 **(i) International baccalaureate exams.**
- 12 **(ii) Nationally recognized college entrance assessments.**
- 13 **(iii) Advanced placement exams.**
- 14 **(iv) Assessments necessary to receive college credit for**
 15 **dual credit courses.**
- 16 **(v) Industry recognized certificates, credentials,**
 17 **apprenticeships, or completion of career or technical**
 18 **concentrator courses.**
- 19 **(vi) The Armed Services Vocational Aptitude Battery.**
- 20 **(vii) A locally established graduation pathway.**
- 21 **(viii) A graduation exam (before July 1, 2022).**
- 22 **(B) The school performance assessment must be based on**
 23 **an indicator established by the state board that measures**
 24 **the number of students who attend the high school who**
 25 **participate in a work based learning course (as defined in**
 26 **IC 20-43-8-0.7) that has been approved by rules**
 27 **established by the state board under IC 4-22-2.**
- 28 **(C) The school performance assessment must be based on**
 29 **an indicator that measures the percentage of applicable**
 30 **students who have fulfilled career experience activities, as**
 31 **defined by the governor's workforce cabinet in**
 32 **consultation with the state board.**
- 33 **(D) The school performance assessment must be based on**
 34 **an indicator that uses a growth to target model to measure**
 35 **school wide applicable growth in English learners (as**
 36 **defined in 20 U.S.C. 7801(20)) using an English language**
 37 **proficiency assessment.**
- 38 **(E) Student postsecondary outcomes to measure a student**
 39 **six (6) months after graduation. Indicators may include:**
- 40 **(i) employment;**
- 41 **(ii) enlistment in armed forces of the United States or**
 42 **National Guard; or**



- 1 (iii) enrollment in a postsecondary educational
- 2 institution.
- 3 (F) An indicator to measure whether a student is on track
- 4 to timely graduate based on credit or skill attainment.
- 5 (b) 511 IAC 6.2-10 is void on the earlier of:
- 6 (1) the effective date of the emergency or final rules adopted
- 7 under this section; or
- 8 (2) July 1, 2020.
- 9 (c) The state board:
- 10 (1) shall adopt rules under IC 4-22-2; and
- 11 (2) may adopt emergency rules in the manner provided in
- 12 IC 4-22-2-37.1;
- 13 to implement this section.
- 14 (d) An emergency rule adopted under subsection (c) expires on
- 15 the earlier of:
- 16 (1) July 1, 2020; or
- 17 (2) the effective date of a rule that establishes categories or
- 18 designations of school improvement described in this section
- 19 and supersedes the emergency rule.
- 20 SECTION 9. An emergency is declared for this act.

