

HOUSE BILL No. 1423

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-19-4.1; IC 20-20-8-8; IC 20-24.2-3-1; IC 20-31; IC 20-32-9-1; IC 20-34-6-1.

Synopsis: Indiana education roundtable. Establishes the Indiana education roundtable (roundtable) to make recommendations relating to education to the: (1) governor; (2) general assembly; (3) state board of education (state board); and (4) state superintendent of public instruction. Provides that the roundtable shall create an advisory committee on early childhood education. Provides that the governor and the state superintendent shall jointly serve as co-chairpersons of the roundtable. Provides that the academic standards committee shall submit recommendations on academic standards for a subject area to the roundtable for review by the roundtable. Provides that the roundtable may make recommendations to the state board with regards to the awarding and distribution of student educational achievement grants. Provides that the roundtable shall make recommendations to the state board concerning the incorporation of a statistical adjustment for student mobility rates into the school improvement performance results. Provides that the department of education shall provide a copy of a report relating to school arrests to the roundtable. Makes conforming amendments.

Effective: July 1, 2019.

Porter, Behning, Smith V, Clere

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. 1423

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 20-19-4.1 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2019]:

4 **Chapter 4.1. Indiana Education Roundtable**

5 **Sec. 1. As used in this chapter, "roundtable" refers to the**
6 **Indiana education roundtable established by section 2 of this**
7 **chapter.**

8 **Sec. 2. The Indiana education roundtable is established.**

9 **Sec. 3. (a) The roundtable consists of the following members:**

10 **(1) A number of members appointed jointly by the governor**
11 **and the state superintendent. These members must be**
12 **representatives of:**

- 13 **(A) business and community leaders;**
- 14 **(B) elementary and secondary education, including**
15 **programs for exceptional learners (as defined in**
16 **IC 20-31-2-6); and**
- 17 **(C) higher education.**



1 **The number of members appointed under clause (A) must be**
 2 **equal to the number of members appointed under clauses (B)**
 3 **and (C).**

4 **(2) Two (2) members appointed by the president pro tempore**
 5 **of the senate from different political parties.**

6 **(3) Two (2) members appointed by the speaker of the house of**
 7 **representatives from different political parties.**

8 **(b) The roundtable shall create an advisory committee on early**
 9 **childhood education. The members of the advisory committee must**
 10 **be early childhood education leaders from around the state. The**
 11 **advisory committee shall provide professional and technical**
 12 **assistance to the roundtable concerning topics related to early**
 13 **childhood education.**

14 **Sec. 4. (a) A member of the roundtable or the advisory**
 15 **committee on early childhood education is not entitled to a salary**
 16 **per diem.**

17 **(b) A member of the roundtable or the advisory committee on**
 18 **early childhood education is entitled to reimbursement for**
 19 **traveling expenses and other expenses actually incurred in**
 20 **connection with the member's duties, as provided in the state travel**
 21 **policies and procedures established by the Indiana department of**
 22 **administration and approved by the budget agency.**

23 **Sec. 5. (a) The governor and the state superintendent shall**
 24 **jointly serve as co-chairpersons of the roundtable. The roundtable**
 25 **shall meet upon the call of the co-chairpersons.**

26 **(b) A quorum of the roundtable must be present to conduct**
 27 **business. A quorum consists of a majority of the voting members**
 28 **appointed to the roundtable. The roundtable may not take an**
 29 **official action unless the official action has been approved by at**
 30 **least a majority of the voting members appointed to serve on the**
 31 **roundtable.**

32 **Sec. 6. The roundtable is a permanent body and working group.**

33 **Sec. 7. (a) The roundtable shall provide recommendations on**
 34 **subjects related to education to the following:**

35 **(1) The governor.**

36 **(2) The state superintendent.**

37 **(3) The general assembly.**

38 **(4) The state board.**

39 **(b) The recommendations to the general assembly must be in an**
 40 **electronic format under IC 5-14-6.**

41 **Sec. 8. (a) As used in this section, "total estimated fiscal impact"**
 42 **means the annual fiscal impact of a recommendation on all affected**



1 entities after the recommendation is fully implemented under
2 subsection (e).

3 (b) Subject to subsection (d), before providing a
4 recommendation under section 7 of this chapter, the roundtable
5 shall prepare an analysis of the total estimated fiscal impact that
6 the recommendation will have on the state, political subdivisions,
7 and all nonpublic schools affected by the recommendation. In
8 preparing an analysis under this subsection, the roundtable shall
9 consider any applicable information submitted by entities affected
10 by the recommendation. The analysis prepared under this
11 subsection must be submitted with the recommendation under
12 section 7 of this chapter.

13 (c) If the roundtable provides a recommendation under section
14 7 of this chapter and the total estimated fiscal impact analysis
15 prepared under subsection (b) indicates that the impact of the
16 recommendation will be at least five hundred thousand dollars
17 (\$500,000), the roundtable shall submit a copy of the
18 recommendation and the fiscal analysis prepared under subsection
19 (b) to the legislative services agency for review. This
20 recommendation must be in an electronic format under IC 5-14-6.
21 Not more than forty-five (45) days after receiving a copy of the
22 recommendation and fiscal impact analysis, the legislative services
23 agency shall prepare a fiscal impact statement concerning the
24 effect that compliance with the recommendation will have on:

25 (1) the state; and

26 (2) all:

27 (A) political subdivisions; and

28 (B) nonpublic schools;

29 affected by the proposed recommendation.

30 The fiscal impact statement must contain the direct total estimated
31 fiscal impact of the recommendation and a determination
32 concerning the extent to which the recommendation creates an
33 unfunded mandate on the state, a political subdivision, or a
34 nonpublic school affected by the proposed recommendation. The
35 fiscal impact statement is a public document. The legislative
36 services agency shall make the fiscal impact statement available to
37 interested parties upon request. The roundtable shall provide the
38 legislative services agency with the information necessary to
39 prepare the fiscal impact statement. The legislative services agency
40 may also receive and consider applicable information from the
41 entities affected by the recommendation in preparation of the fiscal
42 impact statement. The legislative services agency shall provide



1 copies of its fiscal impact statement to each of the persons
2 described in section 7 of this chapter.

3 (d) In determining whether a recommendation under this
4 section has a total estimated fiscal impact of at least five hundred
5 thousand dollars (\$500,000) on the affected entities, the roundtable
6 shall consider the impact of the recommendation on any entity that
7 already complies with the standards imposed by the
8 recommendation on a voluntary basis, if applicable.

9 (e) For purposes of this section, a recommendation is fully
10 implemented after:

11 (1) the conclusion of any phase-in period during which:

12 (A) the recommendation is gradually made to apply to
13 certain affected entities; or

14 (B) the costs of the recommendation are gradually
15 implemented; and

16 (2) the recommendation applies to all affected entities that
17 will be affected by the recommendation.

18 In determining the total estimated fiscal impact of a
19 recommendation under this section, the roundtable shall consider
20 the annual fiscal impact on all affected entities beginning with the
21 first twelve (12) month period or first school year after the
22 recommendation is fully implemented, whichever applies. The
23 roundtable may use actual or forecasted data and may consider the
24 actual and anticipated effects of inflation and deflation. The
25 roundtable shall describe any assumptions made and any data used
26 in determining the total estimated fiscal impact of a
27 recommendation under this section.

28 **Sec. 9.** The roundtable shall make recommendations to the state
29 board for improving the academic standards under IC 20-31-3.

30 **Sec. 10.** The roundtable shall review and recommend to the state
31 board for the state board's approval the following:

32 (1) The academic standards under IC 20-31-3, IC 20-32-4, and
33 IC 20-32-5.1 for all grade levels from kindergarten through
34 grade 12.

35 (2) The content and format of the ILEARN program,
36 including the passing scores required at the various grade
37 levels tested under the ILEARN program.

38 **Sec. 11.** In making recommendations under section 10 of this
39 chapter, the roundtable shall consider:

40 (1) a variety of available national and international
41 assessments and tests;

42 (2) the development of an assessment or test unique to



- 1 **Indiana; and**
 2 **(3) any combination of assessments or tests described under**
 3 **subdivisions (1) and (2).**
 4 **Sec. 12. In making recommendations under section 10 of this**
 5 **chapter, the roundtable shall recommend to the state board only**
 6 **state tests that when appropriate:**
 7 **(1) present the content of each test in an interdisciplinary**
 8 **manner; and**
 9 **(2) provide each student with the opportunity to meet the**
 10 **academic standards in an applied manner.**
 11 **Sec. 13. The state board may adopt rules under IC 4-22-2 to**
 12 **implement this chapter.**
 13 SECTION 2. IC 20-20-8-8, AS AMENDED BY P.L.215-2018(ss),
 14 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2019]: Sec. 8. (a) The report must include the following
 16 information:
 17 (1) Student enrollment.
 18 (2) Graduation rate (as defined in IC 20-26-13-6) and the
 19 graduation rate excluding students that receive a graduation
 20 waiver under IC 20-32-4-4 or IC 20-32-4-4.1.
 21 (3) Attendance rate.
 22 (4) The following test scores, including the number and
 23 percentage of students meeting academic standards:
 24 (A) All state standardized assessment scores.
 25 (B) Scores for assessments under IC 20-32-5-21 (before its
 26 expiration on July 1, 2018), if appropriate.
 27 (C) For a freeway school, scores on a locally adopted
 28 assessment program, if appropriate.
 29 (5) Average class size.
 30 (6) The school's performance category or designation of school
 31 improvement assigned under IC 20-31-8.
 32 (7) The number and percentage of students in the following
 33 groups or programs:
 34 (A) Alternative education, if offered.
 35 (B) Career and technical education.
 36 (C) Special education.
 37 (D) High ability.
 38 (E) Limited English language proficiency.
 39 (F) Students receiving free or reduced price lunch under the
 40 national school lunch program.
 41 (G) Students in foster care.
 42 (8) Advanced placement, including the following:



- 1 (A) For advanced placement tests, the percentage of students:
 2 (i) scoring three (3), four (4), and five (5); and
 3 (ii) taking the test.
 4 (B) For the Scholastic Aptitude Test:
 5 (i) the average test scores for all students taking the test;
 6 (ii) the average test scores for students completing the
 7 Indiana diploma with a Core 40 with academic honors
 8 designation program; and
 9 (iii) the percentage of students taking the test.
 10 (9) Course completion, including the number and percentage of
 11 students completing the following programs:
 12 (A) Academic honors curriculum.
 13 (B) Core 40 curriculum.
 14 (C) Career and technical programs.
 15 (10) The percentage of graduates considered college and career
 16 ready in a manner prescribed by the state board.
 17 (11) School safety, including:
 18 (A) the number of students receiving suspension or expulsion
 19 for the possession of alcohol, drugs, or weapons; and
 20 (B) the number of incidents reported under IC 20-33-9.
 21 (12) Financial information and various school cost factors
 22 required to be provided to the office of management and budget
 23 under IC 20-42.5-3-5.
 24 (13) The number and percentage of each of the following within
 25 the school corporation:
 26 (A) Teachers who are certificated employees (as defined in
 27 IC 20-29-2-4).
 28 (B) Teachers who teach the subject area for which the teacher
 29 is certified and holds a license.
 30 (C) Teachers with national board certification.
 31 (14) The percentage of grade 3 students reading at grade 3 level.
 32 (15) The number of students expelled, including the percentage
 33 of students expelled disaggregated by race, grade, gender, free or
 34 reduced price lunch status, eligibility for special education, and
 35 students in foster care.
 36 (16) Chronic absenteeism, which includes the number of students
 37 who have been absent from school for ten percent (10%) or more
 38 of a school year for any reason.
 39 (17) Habitual truancy, which includes the number of students who
 40 have been absent ten (10) days or more from school within a
 41 school year without being excused or without being absent under
 42 a parental request that has been filed with the school.



- 1 (18) The number of students who have dropped out of school,
 2 including the:
 3 (A) reasons for dropping out; and
 4 (B) percentage of students who have dropped out,
 5 disaggregated by race, grade, gender, free or reduced price
 6 lunch status, eligibility for special education, and students in
 7 foster care.
- 8 (19) The number of out of school suspensions assigned, including
 9 the percentage of students suspended disaggregated by race,
 10 grade, gender, free or reduced price lunch status, eligibility for
 11 special education, and students in foster care.
- 12 (20) The number of in school suspensions assigned, including the
 13 percentage of students suspended disaggregated by race, grade,
 14 gender, free or reduced price lunch status, eligibility for special
 15 education, and students in foster care.
- 16 (21) The number of student work permits revoked.
- 17 (22) The number of students receiving an international
 18 baccalaureate diploma.
- 19 **(23) Other indicators of performance as recommended by the**
 20 **Indiana education roundtable under IC 20-19-4.1.**
- 21 (b) Section 3(a) of this chapter does not apply to the publication of
 22 information required under this subsection. This subsection applies to
 23 schools, including charter schools, located in a county having a
 24 consolidated city, including schools located in excluded cities (as
 25 defined in IC 36-3-1-7). A separate report including the information
 26 reported under subsection (a) must be:
 27 (1) disaggregated by race, grade, gender, free or reduced price
 28 lunch status, eligibility for special education, and students in
 29 foster care; and
 30 (2) made available on the Internet as provided in section 3(b) of
 31 this chapter.
- 32 SECTION 3. IC 20-24.2-3-1, AS AMENDED BY P.L.213-2015,
 33 SECTION 163, IS AMENDED TO READ AS FOLLOWS
 34 [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) The state board, **with the**
 35 **advice of the Indiana education roundtable established by**
 36 **IC 20-19-4.1-2**, shall establish stringent criteria to be used to
 37 determine whether a high school that does not meet the requirements
 38 under IC 20-24.2-2-2(b) may receive a waiver to provide instructional
 39 days in the manner described in IC 20-24.2-4-2 and be exempt from
 40 any or all of the statutes and rules listed in IC 20-24.2-4-3. The state
 41 board's criteria to approve a high school's waiver request must be based
 42 on a method or methods of measuring academic standards of the high



1 school, as approved by the state board. The criteria must require the
 2 curriculum and instruction of a high school to create academic
 3 performance at a high level through which students are college or
 4 career ready and globally competitive upon graduation from high
 5 school.

6 (b) The state board shall submit the criteria developed by the state
 7 board to grant a waiver under subsection (a) to the general assembly in
 8 an electronic format under IC 5-14-6.

9 SECTION 4. IC 20-31-3-4, AS AMENDED BY P.L.222-2015,
 10 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2019]: Sec. 4. (a) The state superintendent shall appoint an
 12 academic standards committee composed of subject area teachers,
 13 higher education representatives with subject matter expertise, and
 14 parents during the period when a subject area is undergoing revision.

15 (b) **The academic standards committee established in subsection**
 16 **(a) shall submit recommendation on academic standards for a**
 17 **subject area to the Indiana education roundtable established by**
 18 **IC 20-19-4.1-2 for review by the Indiana education roundtable.**

19 SECTION 5. IC 20-31-4-2, AS AMENDED BY P.L.213-2015,
 20 SECTION 192, IS AMENDED TO READ AS FOLLOWS
 21 [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) A school in Indiana may be
 22 accredited:

23 (1) under the performance based accreditation system established
 24 by this chapter; or

25 (2) by implementing a quality focused approach to school
 26 improvement such as the criteria for the Malcolm Baldrige
 27 National Quality Award for Education or for a national or regional
 28 accreditation agency that is **recommended by the Indiana**
 29 **education roundtable established by IC 20-19-4.1-2 and**
 30 approved by the state board.

31 (b) The state board shall establish the following:

32 (1) A performance based accreditation system for accrediting
 33 schools in Indiana under this chapter.

34 (2) A procedure for determining whether a school is making
 35 progress toward meeting the criteria for the Malcolm Baldrige
 36 National Quality Award for Education or a national or regional
 37 accreditation agency.

38 (c) The department shall establish a schedule for accrediting schools
 39 under this chapter.

40 SECTION 6. IC 20-31-7-6, AS AMENDED BY P.L.242-2017,
 41 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2019]: Sec. 6. The state board, **with recommendations from**



1 **the Indiana education roundtable established by IC 20-19-4.1-2,**
 2 shall establish a system for awarding and distributing grants under this
 3 chapter. A system recommended under this section must be based on
 4 graduated levels of improvement based on statewide assessment
 5 program standards and other assessments approved by the state board.

6 SECTION 7. IC 20-31-8-1, AS AMENDED BY P.L.192-2018,
 7 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2019]: Sec. 1. (a) The performance of a school's students on
 9 the statewide assessment program test and other assessments
 10 recommended by the ~~department of education~~ **Indiana education**
 11 **roundtable established by IC 20-19-4.1-2** and approved by the state
 12 board are the primary and majority means of assessing a school's
 13 improvement.

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

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

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

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

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

26 (d) The department of education may consider:

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

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

35 when making recommendations under this section.

36 SECTION 8. IC 20-31-8-2, AS AMENDED BY P.L.242-2017,
 37 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2019]: Sec. 2. (a) In addition to scores on the statewide
 39 assessment program test and other assessments, the department shall
 40 use the performance indicators developed by the state board and the
 41 benchmarks and indicators of performance in each school corporation's
 42 annual performance report as a secondary means of assessing the



1 performance of each school and school corporation.

2 (b) The department shall assess school performance in the following
3 manner:

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

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

12 (3) Compare the results for a school by comparing each student's
13 results for each grade with the student's prior year results, with an
14 adjustment for student mobility rate. **The Indiana education
15 roundtable established by IC 20-19-4.1-2 shall make
16 recommendations concerning the incorporation of a statistical
17 adjustment for student mobility rates into the results.**

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 9. IC 20-32-9-1, AS AMENDED BY P.L.192-2018,
22 SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 JULY 1, 2019]: Sec. 1. The state board, in consultation with the:

24 (1) commission for higher education established under
25 IC 21-18-2-1;

26 **(2) Indiana education roundtable established by
27 IC 20-19-4.1-2;**

28 ~~(3)~~ (3) department of workforce development established under
29 IC 22-4.1-2-1; and

30 ~~(3)~~ (4) department;

31 shall develop guidelines to assist secondary schools in identifying a
32 student who is likely to require remedial work at a postsecondary
33 educational institution or workforce training program if the student
34 subsequently attends a postsecondary educational institution or
35 workforce training program upon graduation.

36 SECTION 10. IC 20-34-6-1, AS AMENDED BY P.L.83-2018,
37 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38 JULY 1, 2019]: Sec. 1. (a) By July 1 of each year, each school
39 corporation shall submit a report to the department detailing the
40 following information for the current school year for each school in the
41 school corporation and for the entire school corporation:

42 (1) The number of arrests of students on school corporation



1 property, including arrests made by law enforcement officers,
 2 security guards, school safety specialists, and other school
 3 corporation employees, and any citizen arrests.

4 (2) The offenses for which students were arrested on school
 5 corporation property.

6 (3) The number of contacts with law enforcement personnel from
 7 a school corporation employee that have resulted in arrests of
 8 students not on school corporation property.

9 (4) Statistics concerning the age, race, and gender of students
 10 arrested on school corporation property and categorizing the
 11 statistics by offenses.

12 (5) Whether the school corporation has established and employs
 13 a school corporation police department under IC 20-26-16, and if
 14 so, report:

15 (A) the number of officers in the school corporation police
 16 department; and

17 (B) the training the officers must complete.

18 (6) If the school corporation employs private security guards to
 19 enforce rules or laws on school property, a detailed explanation
 20 of the use of private security guards by the school corporation.

21 (7) If the school corporation has an agreement with a local law
 22 enforcement agency regarding procedures to arrest students on
 23 school property, a detailed explanation of the use of the local law
 24 enforcement agency by the school corporation.

25 (8) The number of reported bullying incidents involving a student
 26 of the school corporation by category. However, nothing in this
 27 subdivision may be construed to require all bullying incidents to
 28 be reported to a law enforcement agency.

29 (b) By August 1 of each year, the department shall submit a report
 30 to:

31 (1) the legislative council;

32 (2) the board for the coordination of programs serving vulnerable
 33 individuals established by IC 4-23-30.2-8; ~~and~~

34 (3) the criminal justice institute; ~~and~~

35 **(4) the Indiana education roundtable established by**
 36 **IC 20-19-4.1-2;**

37 providing a summary of the reports submitted to the department under
 38 subsection (a). The report to the legislative council must be in an
 39 electronic format under IC 5-14-6.

40 (c) By August 1 of each year, the department must post the reports
 41 described in subsections (a) and (b) on the department's Internet web
 42 site.



1 (d) Information reported under subsection (a)(8) may not be used in
2 the calculation of a school corporation's improvement under
3 IC 20-31-8.

