

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 ENROLLED ACT No. 1630

AN ACT to amend the Indiana Code concerning education.

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

SECTION 1. IC 20-19-2-22 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 22. (a) If:**

- (1) a school is in operation; and**
- (2) the school requests a new identification number for the school;**

the state board may approve assigning a new identification number for the school.

(b) In determining whether to approve a new identification number for a school under this section, the state board may consider a school's history of student growth and performance for that particular school because:

- (1) the school is reopening;**
- (2) the school is reconfigured; or**
- (3) the school corporation redistributes students.**

(c) The state board shall adopt rules under IC 4-22-2 to establish criteria that a school must meet to be considered a new school under IC 20-19-3-4(d).

SECTION 2. IC 20-19-3-4, AS AMENDED BY P.L.65-2016, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 4. (a) The department shall:**

- (1) perform the duties required by statute;**

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(2) implement the policies and procedures established by the state board;

(3) conduct analytical research to assist the state board in determining the state's educational policy;

(4) compile statistics concerning the ethnicity, gender, and disability status of students in Indiana schools, including statistics for all information that the department receives from school corporations on enrollment, number of suspensions, and number of expulsions; and

(5) provide technical assistance to school corporations.

(b) In compiling statistics by gender, ethnicity, and disability status under subsection (a)(4), the department shall also categorize suspensions and expulsions by cause as follows:

(1) Alcohol.

(2) Drugs.

(3) Deadly weapons (other than firearms).

(4) Handguns.

(5) Rifles or shotguns.

(6) Other firearms.

(7) Tobacco.

(8) Attendance.

(9) Destruction of property.

(10) Legal settlement (under IC 20-33-8-17).

(11) Fighting (incident does not rise to the level of battery).

(12) A battery offense included in IC 35-42-2.

(13) Intimidation (IC 35-45-2-1).

(14) Verbal aggression or profanity.

(15) Defiance.

(16) Other.

(c) The department shall provide the state board any data, including fiscal data, as determined by the state board, in a reasonable time frame established by the state board after consultation with the department, necessary to conduct an audit or evaluation of any federal or state supported program principally engaged in the provision of education, including, but not limited to:

(1) early childhood education;

(2) elementary and secondary education;

(3) postsecondary education;

(4) special education;

(5) job training;

(6) career and technical education; and

(7) adult education;



or for the enforcement of or compliance with federal legal requirements related to those education programs as determined by the state board. The state board and the department are considered state educational authorities within the meaning of the federal Family Educational Rights and Privacy Act (20 U.S.C. 1232g and 34 CFR Part 99) for the purpose of allowing the free exchange of information between the department and the state board.

(d) The department may, upon request by a new school, assign an identification number for the new school.

~~(d)~~ **(e)** The department shall develop guidelines necessary to implement this section.

SECTION 3. IC 20-24-3-17, AS AMENDED BY P.L.35-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17. (a) The department shall, **with approval of the state board**, assign a school corporation identification number for each organizer granted a charter.

(b) If an organizer assigned a school corporation identification number under subsection (a) consists of more than one (1) charter school, the department, **with approval of the state board**, shall assign each charter school a separate school identification number.

(c) If an organizer assigned a school corporation identification number under subsection (b) consists of more than one (1) campus, the department shall assign each campus a separate school identification number.

SECTION 4. IC 20-25.7-4-5, AS AMENDED BY P.L.179-2016, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The board shall enter into an agreement with an innovation network team to establish an innovation network school or to reconstitute an eligible school as an innovation network school under section 3 or 4 of this chapter. An innovation network team may consist of or include teachers, a principal, a superintendent, or any combination of these individuals who were employed at the eligible school before the agreement is entered.

(b) The terms of the agreement must specify the following:

(1) A statement that the innovation network school is considered to be part of the school corporation and not considered a separate local educational agency.

(2) A statement that the innovation network team authorizes the department to include the innovation network school's performance assessment results under IC 20-31-8 when calculating the school corporation's performance assessment under rules adopted by the state board.



(3) The amount of state and federal funding, including tuition support, and money levied as property taxes that will be distributed by the school corporation to the innovation network school.

(4) The performance goals and accountability metrics agreed upon for the innovation network school.

(5) Grounds for termination of the agreement, including the right of termination if the innovation network team fails to:

(A) comply with the conditions or procedures established in the agreement;

(B) meet generally accepted fiscal management and government accounting principles;

(C) comply with applicable laws; or

(D) meet the educational goals set forth in the agreement between the board and the innovation network team.

(c) If an agreement is entered into under subsection (a), the board shall notify the department that an agreement has been entered into under this section within thirty (30) days after the agreement is entered into.

(d) Upon receipt of the notification under subsection (c), for school years starting after the date of the agreement:

(1) the department shall include the innovation network school's performance assessment results under IC 20-31-8 when calculating the school corporation's performance assessment under rules adopted by the state board;

(2) the department shall treat the innovation network school in the same manner as a school operated by the school corporation when calculating the total amount of state and federal funding to be distributed to the school corporation; and

(3) if requested by an innovation network school established under IC 20-25.5-4-2(a)(2) (before its repeal) or IC 20-25.7-4-4(a)(2), the department may use student growth as the state board's exclusive means to determine the innovation network school's category or designation of school improvement under 511 IAC 6.2-10-10 for a period of three (3) years. **Beginning with the 2019-2020 school year, the department may not use student growth as the state board's exclusive means to determine an innovation network school's category or designation of school improvement. This subdivision expires July 1, 2023.**

A school corporation and an innovation network school are not entitled to any state funding in addition to the amount the school corporation



and school would otherwise be eligible to receive if the innovation network school were a public school maintained by the school corporation.

SECTION 5. IC 20-25.7-5-2, AS AMENDED BY P.L.86-2018, SECTION 174, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The board may enter into an agreement with an organizer to reconstitute an eligible school as a participating innovation network charter school or to establish a participating innovation network charter school at a location selected by the board within the boundary of the school corporation. Notwithstanding IC 20-26-7-1, a participating innovation network charter school may be established within a vacant school building.

(b) The terms of the agreement entered into between the board and an organizer must specify the following:

(1) A statement that the organizer authorizes the department to include the charter school's performance assessment results under IC 20-31-8 when calculating the school corporation's performance assessment under rules adopted by the state board.

(2) The amount of state funding, including tuition support (if the participating innovation network charter school is treated in the same manner as a school operated by the school corporation under subsection (d)(2)), and money levied as property taxes that will be distributed by the school corporation to the organizer.

(3) The performance goals and accountability metrics agreed upon for the charter school in the charter agreement between the organizer and the authorizer.

(c) If an organizer and the board enter into an agreement under subsection (a), the organizer and the board shall notify the department that the agreement has been made under this section within thirty (30) days after the agreement is entered into.

(d) Upon receipt of the notification under subsection (c), for school years starting after the date of the agreement:

(1) the department shall include the participating innovation network charter school's performance assessment results under IC 20-31-8 when calculating the school corporation's performance assessment under rules adopted by the state board;

(2) the department shall treat the participating innovation network charter school in the same manner as a school operated by the school corporation when calculating the total amount of state funding to be distributed to the school corporation unless subsection (e) applies; and

(3) if requested by a participating innovation network charter



school that reconstitutes an eligible school, the department may use student growth as the state board's exclusive means to determine the innovation network charter school's category or designation of school improvement under 511 IAC 6.2-10-10 for a period of three (3) years. **Beginning with the 2019-2020 school year, the department may not use student growth as the state board's exclusive means to determine an innovation network charter school's category or designation of school improvement. This subdivision expires July 1, 2023.**

(e) If a participating innovation network school was established before January 1, 2016, and for the current school year has a complexity index that is greater than the complexity index for the school corporation that the innovation network school has contracted with, the innovation network school shall be treated as a charter school for purposes of determining tuition support. This subsection expires June 30, 2019.

SECTION 6. IC 20-31-8-9 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 9. After June 30, 2019, the state board may not use student growth as the exclusive means used in determining a school's final accountability category.**

SECTION 7. IC 20-31-8-10 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 10. (a) Except as otherwise provided in this section, if requested by a school, the department may place the school in a "null" or "no letter grade" category for purposes of this chapter for the first three (3) consecutive years of operation of the school.**

(b) Subject to subsection (c), an innovation network school that reconfigures an existing school must apply to the state board, in a manner prescribed by the state board, to request to receive a "null" or "no letter grade" for the reconfigured school during the school's first three (3) consecutive years of operation by an innovation network team.

(c) In order to qualify for a "null" or "no letter grade" under subsection (b), an innovation network school must clearly demonstrate:

- (1) a significant change in educational philosophy from the existing school and that the reconfiguration of the school is not being made to avoid accountability; or**
- (2) any other item that the state board finds appropriate.**

The state board shall adopt rules under IC 4-22-2 to establish



criteria that the state board may consider in determining whether to grant an innovation network school's request under subsection (b) and this subsection.

(d) Subject to subsection (e), if the department used student growth as the state board's exclusive means to determine an:

- (1) innovation network school's category or designation of school improvement under IC 20-25.7-4-5(d)(3) for the 2018-2019 school year; or
- (2) innovation network charter school's category or designation of school improvement under IC 20-25.7-5-2(d)(3) for the 2018-2019 school year;

the department shall, beginning with the 2019-2020 school year and unless an innovation network school or innovation network charter school requests otherwise, place the innovation network school or the innovation network charter school, whichever is applicable, in a "null" or "no letter grade" category for purposes of this chapter for not more than the number of school years determined for the innovation network school or innovation network charter school under subsection (e) consecutively. This subsection expires July 1, 2023.

(e) Each innovation network school described in subsection (d)(1) and each innovation network charter school described in subsection (d)(2) may not be placed in a "null" or "no letter grade" category under subsection (d) for more than the number of years that equal the result of:

- (1) three (3) school years; minus
- (2) the number of school years that student growth was used as the state board's exclusive means to determine the category or designation of school improvement for the innovation network school or innovation network charter school.

This subsection expires July 1, 2023.

(f) The department shall post the proficiency and growth scores of an innovation network school, an innovation network charter school, or a school described in subsection (a) on the department's Internet web site for each year the innovation network school, innovation network charter school, or school receives a "null" or "no letter grade" under this section.

SECTION 8. IC 20-32-4-1.5, AS AMENDED BY P.L.192-2018, SECTION 25, AND AS AMENDED BY P.L.174-2018, SECTION 4, AND AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2019 GENERAL ASSEMBLY, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON



PASSAGE]: Sec. 1.5. (a) ~~This section applies after June 30, 2018. This subsection expires July 1, 2022. Except as provided in subsection (f) and sections 4, 5, 6, 7, 8, 9, and 10 of this chapter, each student is required to meet:~~

- ~~(1) the academic standards tested in the graduation examination;~~
- ~~(2) the Core 40 course and credit requirements adopted by the state board under IC 20-30-10; and~~
- ~~(3) any additional requirements established by the governing body;~~

~~to be eligible to graduate.~~

(b) Except as provided in subsection (f) and sections 4, 4.1, 5, 6, 7, 8, 9, and 10 of this chapter, *beginning with the class of students who expect to graduate during the 2022-2023 school year*, each student shall:

- (1) demonstrate college or career readiness through a pathway established by the state board, in consultation with the department of workforce development and the commission for higher education;
- (2) meet the Core 40 course and credit requirements adopted by the state board under IC 20-30-10; and
- (3) meet any additional requirements established by the governing body;

to be eligible to graduate.

(c) The state board shall establish graduation pathway requirements under subsection (b)(1) in consultation with the department of workforce development and the commission for higher education. A graduation pathway requirement may include the following ~~options~~ *postsecondary readiness competencies* approved by the state board:

- ~~(1) End of course assessments measuring academic standards in subjects determined by the state board.~~
- ~~(2) (1) International baccalaureate exams.~~
- ~~(3) (2) Nationally recognized college entrance assessments.~~
- ~~(4) (3) Advanced placement exams.~~
- ~~(5) (4) Assessments necessary to receive college credit for dual credit courses.~~
- ~~(6) (5) Industry recognized certificates.~~
- ~~(7) (6) The Armed Services Vocational Aptitude Battery.~~
- (7) Cambridge International exams.**
- ~~(8) (7) Any other *pathway* competency approved by the state board.~~

(d) If the state board establishes a nationally recognized college entrance exam as a graduation pathway requirement, the nationally



recognized college entrance exam must be offered to a student at the school in which the student is enrolled and during the normal school day.

(e) When an apprenticeship is established as a graduation pathway requirement, the state board shall establish as an apprenticeship only an apprenticeship program registered under the federal National Apprenticeship Act (29 U.S.C. 50 et seq.) or another federal apprenticeship program administered by the United States Department of Labor.

(f) Notwithstanding subsection (a), a school corporation, charter school, or accredited nonpublic school may voluntarily elect to use graduation pathways described in subsection (b) in lieu of the graduation examination requirements specified in subsection (a) prior to July 1, 2022.

(g) The state board, in consultation with the department of workforce development and the commission for higher education, shall approve college and career pathways relating to career and technical education, including sequences of courses leading to student concentrators.

SECTION 9. IC 20-32-5.1-17, AS ADDED BY P.L.242-2017, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17. (a) The state board shall approve two (2) or more benchmark, **formative, interim, or similar** assessments to identify students that require remediation and provide individualized instruction in which a school corporation, charter school, state accredited nonpublic school, or eligible school (as defined in IC 20-51-1-4.7) may receive a grant under subsection (c). The benchmark, **formative, interim, or similar** assessments must ~~be aligned~~ **show alignment, verified by a third party**, to Indiana's academic standards. **Approved assessments must also provide predictive study results for student performance on the statewide assessment under section 7 of this chapter, not later than two (2) years after the summative assessment has been first administered.**

(b) A school corporation, charter school, state accredited nonpublic school, or eligible school (as defined in IC 20-51-1-4.7) may elect to administer a benchmark, **formative, interim, or similar** assessment described in subsection (a). If a school corporation, charter school, state accredited nonpublic school, or eligible school (as defined in IC 20-51-1-4.7) administers an assessment described in subsection (a), the school corporation, charter school, state accredited nonpublic school, or eligible school (as defined in IC 20-51-1-4.7) may prescribe the time and the manner in which the assessment is administered.



(c) If a school corporation, charter school, state accredited nonpublic school, or eligible school (as defined in IC 20-51-1-4.7) elects to administer a benchmark, **formative, interim, or similar** assessment described in subsection (a), the school corporation, charter school, state accredited nonpublic school, or eligible school (as defined in IC 20-51-1-4.7) is entitled to receive a grant or reimbursement from the department in an amount not to exceed the cost of the assessment. The department shall provide grants and reimbursements to a school corporation, charter school, state accredited nonpublic school, or eligible school (as defined in IC 20-51-1-4.7) under this section from money appropriated to the department for the purpose of carrying out this section.

(d) The state board and the department may not contract with, approve, or endorse the use of a single vendor to provide benchmark, formative, interim, or similar assessments for any grade level or levels of kindergarten through grade 7.

SECTION 10. [EFFECTIVE UPON PASSAGE] **(a) 511 IAC 6.2-10-10 is void. The publisher of the Indiana Administrative Code and Indiana Register shall remove this section from the Indiana Administrative Code.**

(b) This SECTION expires January 1, 2020.

SECTION 11. **An emergency is declared for this act.**



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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