HOUSE BILL No. 1639

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-18-2-16; IC 20-19-7; IC 20-28-11.5; IC 20-32-10; IC 20-33-7.5; IC 35-52-20-0.5.

Synopsis: Various education matters. Requires the state board of education (state board) to establish a statewide student record repository of public school student achievement records to provide: (1) access to relevant student information to parents and school corporations; (2) for the transfer of student information between school corporations; and (3) a student data backup for school corporations. Prohibits an agency from releasing, selling, or otherwise transferring student information to any entity unless all identifying information concerning students has been redacted or the general assembly has enacted legislation expressly authorizing the release, sale, or transfer. Provides that a violation is a Class A misdemeanor (up to one year imprisonment and a $5,000 fine). Provides that the state board shall adopt rules to establish a procedure to require the department of education (department) to investigate irregularities in the test results of the ISTEP program or a successor statewide assessment. Requires the department to investigate assessment results if the number of irregularities meets a threshold established by the state board. Provides that, before July 1, 2016, the state board shall develop a survey to be used by a school corporation to allow parents and grade appropriate students to evaluate certificated employees. Provides that beginning in the 2016-2017 school year, a school corporation must offer parents and applicable students the opportunity to complete the survey, which shall be provided to a certificated employee by the certificated employee's evaluator when the certificated employee receives an evaluation.

Effective: July 1, 2015.

Behning

January 22, 2015, read first time and referred to Committee on Education.

First Regular Session of the 119th General Assembly (2015)

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

HOUSE BILL No. 1639

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 20-18-2-16, AS AMENDED BY P.L.190-2013,
2 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2015]: Sec. 16. (a) "School corporation", for purposes of this
4 title (except IC 20-20-33, IC 20-26-1 through IC 20-26-5, IC 20-26-7,
5 IC 20-28-11.5, IC 20-30-8, **IC 20-33-7.5,** and IC 20-43), means a
6 public school corporation established by Indiana law. The term
7 includes a:
8   (1) school city;
9   (2) school town;
10   (3) school township;
11   (4) consolidated school corporation;
12   (5) metropolitan school district;
13   (6) township school corporation;
14   (7) county school corporation;
15   (8) united school corporation; or

1   (9) community school corporation.
2   (b) "School corporation", for purposes of IC 20-26-1 through
3 IC 20-26-5 and IC 20-26-7, has the meaning set forth in IC 20-26-2-4.
4   (c) "School corporation", for purposes of IC 20-20-33, IC 20-26-18,
5 and IC 20-30-8, includes a charter school (as defined in IC 20-24-1-4).
6   (d) "School corporation", for purposes of IC 20-43, has the meaning
7 set forth in IC 20-43-1-23.
8   (e) "School corporation", for purposes of IC 20-28-11.5, has the
9 meaning set forth in IC 20-28-11.5-3.
10   **(f) "School corporation", for purposes of IC 20-33-7.5, has the**
11 **meaning set forth in IC 20-33-7.5-3.**
12   SECTION 2. IC 20-19-7 IS ADDED TO THE INDIANA CODE AS
13 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
14 1, 2015]:
15   **Chapter 7. Transfer of Student Information**
16   **Sec. 1. This chapter does not apply to the transfer of an**
17 **individual student's education records by a school or school**
18 **corporation to:**
19   **(1) a school or postsecondary educational institution in which**
20   **the student seeks to enroll; or**
21   **(2) an employer;**
22 **with the written permission of the student's parent or the student,**
23 **if the student is at least eighteen (18) years of age or emancipated.**
24   **Sec. 2. As used in this chapter, "agency" refers to the**
25 **department, the state board, or any other entity created by statute**
26 **or executive order that collects, maintains, receives, or stores**
27 **student information.**
28   **Sec. 3. As used in this chapter, "student information" means any**
29 **data collected, maintained, received, or stored by an agency in**
30 **which an individual student or an individual student's family is**
31 **identified by name, by an assigned identification number, or in any**
32 **manner by which the identity of an individual student or an**
33 **individual student's family may be ascertained.**
34   **Sec. 4. An agency may not release, sell, or otherwise transfer**
35 **student information to any entity unless:**
36   **(1) all identifying information concerning each student and**
37   **each student's family has been redacted; or**
38   **(2) the general assembly has enacted legislation giving express**
39   **approval of the release, sale, or transfer of the student**
40   **information.**
41   **Sec. 5. A person who recklessly, knowingly, or intentionally**
42 **violates section 4 of this chapter commits a Class A misdemeanor.**

SECTION 3. IC 20-28-11.5-4, AS ADDED BY P.L.90-2011,
SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
JULY 1, 2015]: Sec. 4. (a) Each school corporation shall develop a
plan for annual performance evaluations for each certificated employee
(as defined in IC 20-29-2-4). A school corporation shall implement the
plan beginning with the 2012-2013 school year.

(b) Instead of developing its own staff performance evaluation plan
under subsection (a), a school corporation may adopt a staff
performance evaluation plan that meets the requirements set forth in
this chapter or any of the following models:

(1) A plan using master teachers or contracting with an outside
vendor to provide master teachers.
(2) The System for Teacher and Student Advancement (TAP).
(3) The Peer Assistance and Review Teacher Evaluation System
(PAR).

(c) A plan must include the following components:

(1) Performance evaluations for all certificated employees,
conducted at least annually.
(2) Objective measures of student achievement and growth to
significantly inform the evaluation. The objective measures must
include:

(A) student assessment results from statewide assessments for
certificated employees whose responsibilities include
instruction in subjects measured in statewide assessments;
(B) methods for assessing student growth for certificated
employees who do not teach in areas measured by statewide
assessments; and
(C) student assessment results from locally developed
assessments and other test measures for certificated employees
whose responsibilities may or may not include instruction in
subjects and areas measured by statewide assessments.

(3) Rigorous measures of effectiveness, including observations
and other performance indicators.
(4) An annual designation of each certificated employee in one
(1) of the following rating categories:

(A) Highly effective.
(B) Effective.
(C) Improvement necessary.
(D) Ineffective.

(5) An explanation of the evaluator's recommendations for
improvement, and the time in which improvement is expected.
(6) A provision that a teacher who negatively affects student

1 achievement and growth cannot receive a rating of highly
2 effective or effective.
3 **(7) Beginning in the 2016-2017 school year, any**
4 **recommendations for improvement, if any, observed by an**
5 **evaluator upon review of surveys completed under section 4.5**
6 **of this chapter.**
7 (d) The evaluator shall discuss the evaluation with the certificated
8 employee.
9 SECTION 4. IC 20-28-11.5-4.5 IS ADDED TO THE INDIANA
10 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
11 [EFFECTIVE JULY 1, 2015]: **Sec. 4.5. (a) Before July 1, 2016, the**
12 **state board shall develop a survey to be used by a school**
13 **corporation to allow parents and grade appropriate students, as**
14 **determined by the state board, to evaluate certificated employees.**
15 **(b) Beginning in the 2016-2017 school year, a school corporation**
16 **must offer parents and applicable students the opportunity to**
17 **complete the survey of certificated employees developed under**
18 **subsection (a). Surveys completed by parents and students shall be**
19 **provided to a certificated employee by the certificated employee's**
20 **evaluator when the certificated employee receives an evaluation**
21 **under section 4 of this chapter. The evaluator may not disclose the**
22 **identity of an individual who completes a survey to the certificated**
23 **employee being evaluated.**
24 SECTION 5. IC 20-32-10 IS ADDED TO THE INDIANA CODE
25 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
26 JULY 1, 2015]:
27 **Chapter 10. Statewide Assessment Transparency**
28 **Sec. 1. As used in this chapter, "electronic response analysis"**
29 **refers to, for purposes of a student taking an assessment through**
30 **an electronic medium, an analysis measuring the frequency that a**
31 **student changes the student's response from an incorrect response**
32 **to a correct response, or other irregularities associated with taking**
33 **an assessment through an electronic medium.**
34 **Sec. 2. As used in this chapter, "erasure analysis" refers to the**
35 **residual marks left on the answer document after a response has**
36 **been erased that are analyzed using a computer program designed**
37 **expressly for such a purpose.**
38 **Sec. 3. As used in this chapter, "standard deviation" refers to a**
39 **measure of variability that is an indication of how widely spread a**
40 **set of numbers is relative to the mean of those numbers.**
41 **Sec. 4. (a) Before January 1, 2016, the state board shall adopt**
42 **rules under IC 4-22-2 to establish:**

(1) formulas and other parameters; and

(2) procedures;

to be used by the department to determine whether the department shall investigate irregularities in the test results of a school's ISTEP program or a successor statewide assessment.

(b) The rules adopted by the state board under subsection (a) shall, at a minimum, require the department to investigate irregularities in the test results of the ISTEP program or a successor statewide assessment of a school or, if prescribed by the state board, a particular grade within a school if the department finds all the following:

(1) At least three (3) irregularities in the standard deviation of the test results of the school or the particular grade within the school.

(2) Upon completion of an erasure analysis or electronic response analysis, at least three (3) irregularities in the test results of the school or the particular grade within the school.

(c) The state board's rules adopted under subsection (a) may also require the department to investigate a school's ISTEP program or successor statewide assessment results if, during the department's review of the assessment results, the department finds an unusually high rate of irregularities as described under subsection (b)(1) or (b)(2), as determined by the state board.

Sec. 5. (a) Beginning with the 2015-2016 school year, the department shall review each school's ISTEP program or successor statewide assessment results for irregularities as described in the rules adopted under section 4 of this chapter. If upon review of a particular school's ISTEP program or successor statewide assessment results, the department determines that the number of irregularities found meets the requirements for investigation of the assessment results, the department shall investigate the school's ISTEP program or successor statewide assessment results.

(b) If the department investigates a school's ISTEP program or successor statewide assessment results under subsection (a), the investigation must be completed not later than July 1 of the year in which the assessment was administered.

SECTION 6. IC 20-33-7.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]:

Chapter 7.5. Access to Student Records

Sec. 1. This chapter applies after June 30, 2016.

Sec. 2. As used in this chapter, "authorized user" means a

1   teacher or other person who is:
2   **(1) employed by a school corporation; and**
3   **(2) authorized to access data in a student achievement record**
4   **through the student record repository.**
5   **Sec. 3. As used in this chapter, "school corporation" includes a**
6   **public school corporation, a charter school, the Indiana School for**
7   **the Blind and Visually Impaired, and the Indiana School for the**
8   **Deaf.**
9   **Sec. 4. As used in this chapter, "student achievement record"**
10   **means a complete profile of learning for a student in kindergarten**
11   **through grade 12 that:**
12   **(1) is in an electronic format;**
13   **(2) contains student records from each grade and each school**
14   **the student attends; and**
15   **(3) is accessible by the student's parent, or if the student is**
16   **emancipated, the emancipated student or an authorized user.**
17   **Sec. 5. As used in this chapter, "student record repository"**
18   **refers to the state's longitudinal data system that is managed by the**
19   **state board and is accessible to authorized users through an**
20   **Internet browser.**
21   **Sec. 6. (a) The state board shall maintain and collect**
22   **longitudinal student transcript data from school corporations to**
23   **allow access to a student's record by the following:**
24   **(1) The student's parent, or if the student is emancipated, the**
25   **emancipated student.**
26   **(2) Each school corporation that provides instruction to the**
27   **student.**
28   **(b) The state board shall ensure that a student achievement**
29   **record:**
30   **(1) facilitates a student's parent's ability to take an active role**
31   **in the student's education by simplifying access to the**
32   **student's achievement record;**
33   **(2) provides a uniform, transparent reporting mechanism for**
34   **individual student progress;**
35   **(3) provides a teacher with information about a student's**
36   **achievement record to better inform instruction and**
37   **individualize education; and**
38   **(4) assists a teacher or an administrator in ascertaining a**
39   **student's learning needs.**
40   **Sec. 7. (a) Using the state's longitudinal data system, the state**
41   **board shall create the student record repository, from which an**
42   **authorized user may:**

1   **(1) access data in a student achievement record that is**
2   **relevant to the authorized user's school corporation or a**
3   **school within the school corporation; or**
4   **(2) request student records to be transferred from one (1)**
5   **school corporation to another school corporation.**
6   **(b) A student's parent, or if the student is emancipated, the**
7 **emancipated student may access the student's achievement record**
8 **or request that the student's records be transferred from the school**
9 **corporation attended by the student to another school corporation**
10 **by signing a form prescribed by the state board.**
11   **Sec. 8. The state board shall implement security measures to**
12 **ensure that:**
13   **(1) student data stored in or transmitted to or from the**
14   **student record repository is secure and confidential as**
15   **required under the federal Family Educational Rights and**
16   **Privacy Act, 20 U.S.C. 1232g; and**
17   **(2) an authorized user may access only student data that is**
18   **relevant to the authorized user's school corporation or school.**
19   **Sec. 9. A student's parent, or if the student is emancipated, the**
20 **emancipated student may request the student's achievement record**
21 **from the school corporation or school in which the student is**
22 **enrolled.**
23   **Sec. 10. The state board shall adopt rules under IC 4-22-2 to**
24 **carry out this chapter.**
25   SECTION 7. IC 35-52-20-0.5 IS ADDED TO THE INDIANA
26 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
27 [EFFECTIVE JULY 1, 2015]: **Sec. 0.5. IC 20-19-7-5 defines a crime**
28 **concerning the transfer of student information.**