

## SENATE BILL No. 224

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 20-19-2-14.5; IC 20-31-3-1; IC 20-32-5-4; IC 20-33-7.5.

**Synopsis:** Education standards. Provides that before July 1, 2015, the state board of education (state board) shall adopt Indiana college and career readiness educational standards. Provides that before July 1, 2015, the state board shall authorize the department of education (department), for school years beginning after June 30, 2016, to administer either the ISTEP assessment or a comparable assessment program that is aligned with the educational standards adopted by the state board. Provides that before the state board may adopt educational standards or authorize an assessment program, the state board shall submit the proposed educational standards and assessment program to the budget committee for review. Requires the state board to establish policies and procedures to ensure the confidentiality of student information collected or retained by the department. Sets forth who may access the student data. Requires an annual report to be submitted to the governor and general assembly concerning the security of student data. Makes technical corrections. Makes conforming amendments.

**Effective:** Upon passage; July 1, 2014.

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## Kenley

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January 9, 2014, read first time and referred to Committee on Education and Career Development.

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Second Regular Session 118th General Assembly (2014)

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 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

## SENATE BILL No. 224

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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 20-19-2-14.5, AS ADDED BY P.L.286-2013,  
2 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 UPON PASSAGE]: Sec. 14.5. (a) As used in this section:  
4 (1) "common core standards" refers to educational standards  
5 developed for kindergarten through grade 12 by the Common  
6 Core State Standards Initiative; and  
7 (2) "cut scores" means the scores that define a student's  
8 performance on an assessment, including passing, failing, or  
9 falling into a performance category.  
10 (b) Notwithstanding section 14 of this chapter, after May 15, 2013,  
11 the state board may take no further actions to implement as standards  
12 for the state or direct the department to implement any common core  
13 standards developed by the Common Core State Standards Initiative.  
14 ~~until the state board conducts a comprehensive evaluation of the~~  
15 ~~common core standards as provided in this section.~~ Any common core  
16 standards adopted by the state board before May 15, 2013, remain in



1 effect until the state board adopts educational standards under  
2 subsection (c).

3 (c) Before ~~July 1, 2014~~, **July 1, 2015**, the state board shall adopt  
4 **Indiana** college and career readiness educational standards **under**  
5 **IC 20-31-3**. The educational standards must **do the following**:

6 (1) Meet national and international benchmarks for college and  
7 career readiness standards and be aligned with postsecondary  
8 educational expectations.

9 (2) **Comply with federal standards to receive a flexibility**  
10 **waiver under 20 U.S.C. 7861.**

11 (3) **Meet or surpass college and career ready educational**  
12 **standards in other states.**

13 (4) **Ensure that Indiana educational standards do not**  
14 **disadvantage Indiana students compared to students in other**  
15 **states when Indiana students take standardized college**  
16 **entrance examinations such as the ACT and SAT.**

17 (5) **Maintain Indiana sovereignty.**

18 (6) **Provide strict safeguards to protect the confidentiality of**  
19 **student data.**

20 (7) **Allow for meaningful comparison between Indiana's**  
21 **educational standards and student achievement and**  
22 **educational standards and student achievement in other states**  
23 **and countries.**

24 **The state board may include elements of the common core**  
25 **standards as part of Indiana college and career readiness**  
26 **educational standards adopted under this section and IC 20-31-3.**  
27 The state board shall implement educational standards that use the  
28 common core standards as the base model for academic standards to  
29 the extent necessary to comply with federal standards to receive a  
30 flexibility waiver under 20 U.S.C. 7861. However, higher academic  
31 standards may be adopted that supplement or supplant the common  
32 core standards if the higher educational standards would qualify for a  
33 flexibility waiver under 20 U.S.C. 7861 because the higher educational  
34 standards meet United States Department of Education flexibility  
35 waiver requirements that ensure college and career readiness of  
36 students.

37 (d) The educational standards may not be adopted under subsection  
38 (c) until:

39 (1) the state board has received and considers:

40 (A) the department's evaluation of the common core under  
41 subsection (c);

42 (B) the final report of the legislative study committee



- 1 established under subsection (f);  
 2 (C) the fiscal impact statement prepared by the office of  
 3 management and budget under subsection (g); and  
 4 (2) the state board holds at least three (3) public meetings and  
 5 takes public testimony regarding the adoption of educational  
 6 standards after the state board has received and considered the  
 7 information described in subdivision (1).  
 8 (e) Before July 1, 2013, the department shall provide a written  
 9 evaluation of the common core standards to the:  
 10 (1) governor;  
 11 (2) legislative council;  
 12 (3) state board; and  
 13 (4) chairperson of the legislative study committee established in  
 14 subsection (f).

15 The evaluation must be provided in an electronic format as provided  
 16 under IC 5-14-6.

17 (f) The legislative council shall establish a legislative study  
 18 committee to study issues relating to common core standards or other  
 19 standards. Not later than November 1, 2013, the legislative committee  
 20 shall submit the committee's final report to the legislative council,  
 21 governor, department, and state board. The report must:

- 22 (1) compare existing Indiana standards with the common core  
 23 standards;  
 24 (2) consider best practices in developing and adopting the  
 25 standards, seeking information from a broad range of sources,  
 26 including:  
 27 (A) subject area teachers from elementary and secondary  
 28 schools in Indiana;  
 29 (B) subject area instructors and experts from postsecondary  
 30 educational institutions; and  
 31 (C) any other standards the study committee considers to be  
 32 superior standards; and  
 33 (3) evaluate the cost to the state or school corporations associated  
 34 with implementing Partnership for Assessment of Readiness for  
 35 College and Careers assessment or the Smarter Balanced  
 36 assessment by schools.

37 The legislative study committee shall operate under the policies  
 38 governing study committees adopted by the legislative council. The  
 39 study committee shall hold at least three (3) public meetings:

40 (g) Before September 1, 2013, the office of management and budget  
 41 established by IC 4-3-22-3, in consultation with the state board, shall  
 42 provide an opinion concerning the fiscal impact to the state and school



1 corporations if the state board:

2 (1) fully implements the common core standards; and

3 (2) discontinues the implementation of the common core  
4 standards:

5 The office of management and budget must provide its opinion in an  
6 electronic format under IC 5-14-6 to the governor, legislative council,  
7 and state board:

8 (h) (d) The department shall administer ISTEP assessments under  
9 IC 20-32-5 during the 2013-2015 biennium. **Before July 1, 2015,**  
10 **subject to subsection (e), the state board shall authorize the**  
11 **department, for school years beginning after June 30, 2016, to**  
12 **administer either the ISTEP assessment under IC 20-32-5 or a**  
13 **comparable assessment program that is aligned with the**  
14 **educational standards adopted by the state board under subsection**  
15 **(c) and IC 20-31-3. The state board may not require the use of the**  
16 **Partnership for Assessment of Readiness for College and Careers**  
17 **assessment or the Smarter Balanced assessment by schools until the**  
18 **state board receives and considers the reports received under**  
19 **subsections (e) through (g). This section does not remove academic**  
20 **standards developed or implemented by the state board before July 1,**  
21 **2013.**

22 (e) **Before the state board may adopt educational standards**  
23 **under subsection (c) or authorize an assessment program under**  
24 **subsection (d), the state board shall submit the proposed**  
25 **educational standards and assessment program to the budget**  
26 **committee for review.**

27 (i) (f) This subsection does not apply to an agreement with the  
28 United States Department of Education concerning a waiver from  
29 federal requirements. After June 30, 2013, the state, or the state board  
30 on behalf of the state, may not enter into or renew an agreement with  
31 any organization, entity, group, or consortium that requires the state to  
32 cede any measure of autonomy or control of education standards and  
33 assessments, including cut scores.

34 (j) (g) The state board may adopt emergency rules in the manner  
35 provided in IC 4-22-2-37.1 to implement this section. As provided in  
36 IC 4-22-2-37.1 for an emergency rule adopted under this section to be  
37 effective after one (1) extension period, the rule must be adopted in  
38 conformity with the procedures under IC 4-22-2-24 through  
39 IC 4-22-2-36.

40 SECTION 2. IC 20-31-3-1, AS ADDED BY P.L.1-2005, SECTION  
41 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON  
42 PASSAGE]: Sec. 1. The state board shall adopt clear, concise, and



1 jargon free state academic standards that are comparable to national  
 2 and international academic standards **and meet the requirements**  
 3 **provided in IC 20-19-2-14.5(c)**. These academic standards must be  
 4 adopted for each grade level from kindergarten through grade 12 for  
 5 the following subjects:

- 6 (1) English/language arts.
- 7 (2) Mathematics.
- 8 (3) Social studies.
- 9 (4) Science.

10 For grade levels tested under the ISTEP program, the academic  
 11 standards must be based in part on the results of the ISTEP program.

12 SECTION 3. IC 20-32-5-4, AS ADDED BY P.L.1-2005, SECTION  
 13 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON  
 14 PASSAGE]: Sec. 4. (a) The state board shall:

- 15 (1) authorize the development and implementation of the ISTEP  
 16 program **or a comparable assessment program that is aligned**  
 17 **with the educational standards adopted by the state board**  
 18 **under IC 20-19-2-14.5 and IC 20-31-3; and**
- 19 (2) determine the date on which the statewide testing is  
 20 administered in each school corporation.

21 (b) The state superintendent is responsible for the overall  
 22 development, implementation, and monitoring of the ISTEP program.

23 (c) The department shall prepare detailed design specifications for  
 24 the ISTEP program that must do the following:

- 25 (1) Take into account the academic standards adopted under  
 26 **IC 20-19-2-14.5 and IC 20-31-3.**
- 27 (2) Include testing of students' higher level cognitive thinking in  
 28 each subject area tested.

29 SECTION 4. IC 20-33-7.5 IS ADDED TO THE INDIANA CODE  
 30 AS A **NEW CHAPTER** TO READ AS FOLLOWS [EFFECTIVE  
 31 JULY 1, 2014]:

32 **Chapter 7.5. Student Data Accessibility, Transparency, and**  
 33 **Accountability**

34 **Sec. 1. This chapter applies to an accredited school.**

35 **Sec. 2. As used in this chapter, "aggregate data" means data**  
 36 **collected or reported at a group, cohort, building, or school**  
 37 **corporation level.**

38 **Sec. 3. As used in this chapter, "cohort" has the meaning set**  
 39 **forth in IC 20-26-13-2.**

40 **Sec. 4. As used in this chapter, "data system" refers to the**  
 41 **student data system maintained by the department.**

42 **Sec. 5. As used in this chapter, "FERPA" refers to the federal**



1 **Family Educational Rights and Privacy Act (20 U.S.C. 1232g).**

2 **Sec. 6. As used in this chapter, "redacted data" means a student**  
 3 **data set from which parent and student identifying information,**  
 4 **including the student testing number, has been removed.**

5 **Sec. 7. (a) As used in this chapter, "student data" refers to data**  
 6 **collected or reported at the individual student level that is part of**  
 7 **a student's educational record, including:**

8 **(1) state and national test results, including information**  
 9 **concerning untested students;**

10 **(2) courses taken and completed, credits earned, and other**  
 11 **transcript information;**

12 **(3) course grades and grade point average;**

13 **(4) date of birth, grade level, and expected graduation cohort;**

14 **(5) degree, diploma, credential attainment, and other school**  
 15 **exit information, including dropout data and general**  
 16 **educational development attainment;**

17 **(6) attendance and mobility;**

18 **(7) data necessary to calculate the four (4) year adjusted**  
 19 **cohort graduation rate, including student exit and dropout**  
 20 **information;**

21 **(8) discipline reports containing sufficient objective**  
 22 **information to produce the Title IV Annual Incident Report;**

23 **(9) remediation;**

24 **(10) special education information; and**

25 **(11) demographic information and program participation**  
 26 **information.**

27 **(b) The term does not include data concerning the following,**  
 28 **unless the data is included in a student's educational record:**

29 **(1) Juvenile offenses.**

30 **(2) Criminal offenses.**

31 **(3) Medical and health records.**

32 **(4) The student's Social Security number.**

33 **(5) Biometric information for the student.**

34 **Sec. 8. The state board shall carry out the following actions:**

35 **(1) Create, publish, and make available to the public a data**  
 36 **inventory and an index of data elements with definitions of**  
 37 **individual student data fields in the student data system,**  
 38 **including:**

39 **(A) any individual student data required to be reported by**  
 40 **state and federal education mandates;**

41 **(B) any individual student data that has been proposed for**  
 42 **inclusion in the student data system with a statement**



- 1 regarding the purpose or reason for the proposed  
 2 inclusion; and  
 3 (C) any individual student data that the department  
 4 collects or maintains with no current purpose or reason.  
 5 (2) Develop, publish, and make available to the public policies  
 6 and procedures to comply with FERPA and other relevant  
 7 privacy laws and policies, including the following policies and  
 8 procedures:  
 9 (A) Access to student data and redacted data in the student  
 10 data system is restricted to:  
 11 (i) authorized staff of the department and the  
 12 department's contractors who require the access to  
 13 perform assigned duties;  
 14 (ii) school corporation, charter school, and accredited  
 15 nonpublic school administrators, teachers, and school  
 16 personnel who require the access to perform assigned  
 17 duties;  
 18 (iii) students and students' parents; and  
 19 (iv) authorized staff of other state agencies as required  
 20 by law or defined in intra-agency data sharing  
 21 agreements.  
 22 (B) The department may use only aggregate data in public  
 23 reports or in response to record requests made under  
 24 subdivision (3).  
 25 (C) The department shall develop criteria for the approval  
 26 of research and data requests from state and local  
 27 agencies, the general assembly, researchers, and the public  
 28 that provide that unless otherwise approved by the state  
 29 board:  
 30 (i) student data maintained by the department remains  
 31 confidential; and  
 32 (ii) to release student data or redacted data in specific  
 33 instances, the department may use only aggregate data  
 34 in the release of the data in response to research and  
 35 data requests.  
 36 (D) Notification procedures to students and students'  
 37 parents regarding their rights under federal and state law.  
 38 (3) Specify that, unless otherwise approved by the state board,  
 39 the department may not transfer student data or redacted  
 40 data that is considered confidential under subdivision (2)(C)(i)  
 41 to any federal agency, state agency, local agency, or other  
 42 organization or entity outside Indiana, but student data may





- 1           **be released in the following circumstances:**  
2           **(A) For a student who transfers to a school outside**  
3           **Indiana, or to a school corporation that seeks assistance**  
4           **with locating an out-of-state transfer.**  
5           **(B) For a student who leaves Indiana to attend a**  
6           **postsecondary educational institution or training program.**  
7           **(C) For a student who registers for or takes part in a**  
8           **national or multistate assessment.**  
9           **(D) For a student who voluntarily participates in a**  
10           **program for which the data transfer is a condition or**  
11           **requirement for participation.**  
12           **(E) When the department enters into a contract that**  
13           **governs data bases, assessments, special education, or**  
14           **instructional supports with an out-of-state vendor.**  
15           **(F) For a student who is classified as a migrant for federal**  
16           **reporting purposes.**  
17           **(4) Develop a detailed data security plan that includes:**  
18           **(A) guidelines for authorizing access to the data system**  
19           **and to individual student data, including guidelines for the**  
20           **authentication of authorized access;**  
21           **(B) privacy compliance standards;**  
22           **(C) privacy and security audits;**  
23           **(D) breach planning, notification, and procedures; and**  
24           **(E) data retention and disposition policies.**  
25           **(5) Ensure routine and ongoing compliance by the department**  
26           **with FERPA, other relevant privacy laws and policies, and the**  
27           **privacy and security policies developed under this section,**  
28           **including the performance of compliance audits.**  
29           **(6) Ensure that any contracts with outside private vendors**  
30           **that govern data bases, assessments, or instructional supports**  
31           **and that include student data or redacted data include express**  
32           **provisions that safeguard privacy and security, with penalties**  
33           **for noncompliance.**  
34           **(7) Report annually to the governor and the general assembly**  
35           **concerning the following:**  
36           **(A) Proposed rules concerning new types of student data**  
37           **for inclusion in the state data system.**  
38           **(B) Changes to existing data collection required for any**  
39           **reason, including changes made to federal reporting**  
40           **requirements made by the United States Department of**  
41           **Education.**  
42           **(C) An explanation of any exceptions granted by the state**



1           **board during the reporting year allowing the release or**  
2           **out-of-state transfer of student data or redacted data.**  
3           **(D) The results of any privacy compliance and security**  
4           **audits completed during the reporting year. The report**  
5           **may not include any information that poses a security**  
6           **threat to the state data system or school student**  
7           **information systems, or to the secure transmission of data**  
8           **between the state data system and school student**  
9           **information systems by exposing vulnerabilities.**  
10          **A report to the general assembly under this subdivision must**  
11          **be submitted in an electronic format under IC 5-14-6.**  
12          **Sec. 9. The state board shall adopt rules under IC 4-22-2 to**  
13          **carry out this chapter.**  
14          **SECTION 5. An emergency is declared for this act.**

