

Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

SENATE ENROLLED ACT No. 346

AN ACT to amend the Indiana Code concerning education.

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

SECTION 1. IC 20-19-2-2.2, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2020 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.2. (a) Beginning June 1, 2015, the state board consists of the following members:

- (1) The state superintendent.
- (2) Eight (8) members appointed by the governor. The following provisions apply to members of the state board appointed under this subdivision:
 - (A) At least six (6) members appointed under this subdivision must have professional experience in the field of education as provided in subsection (b).
 - (B) Members shall be appointed from different parts of Indiana with not more than one (1) member being appointed from a particular congressional district.
 - (C) Not more than five (5) members of the state board may be appointed from the membership of any one (1) political party.
 - (D) Subject to subsection (h), at least one (1) member shall be a practicing licensed special education teacher or special education director at the time the member is appointed.**
- (3) One (1) member, who is not a member of the general assembly, appointed by the speaker of the house of



representatives.

(4) One (1) member, who is not a member of the general assembly, appointed by the president pro tempore of the senate.

(b) For purposes of subsection (a), an individual is considered to have professional experience in the field of education if the individual has teaching or leadership experience at a postsecondary educational institution or is currently employed as, or is retired from a position as:

- (1) a teacher;
- (2) a principal;
- (3) an assistant superintendent; or
- (4) a superintendent.

(c) A quorum consists of six (6) members of the state board. An action of the state board is not official unless the action is authorized by at least six (6) members.

(d) ~~Subject to subsection (e)~~, The members of the state board shall elect a chairperson and vice chairperson annually from the members of the state board. The vice chairperson shall act as chairperson in the absence of the chairperson.

~~(e) Notwithstanding subsection (d), the state superintendent shall serve as the chairperson of the state board until a chairperson is elected under subsection (d) at the first meeting of the state board after December 31, 2016, which shall be held not later than January 15, 2017. A vice chairperson shall be elected at the first meeting of the state board after June 30, 2015, which shall be held not later than August 1, 2015. This subsection expires July 1, 2018.~~

~~(f) (e)~~ Except as otherwise provided in subsection ~~(g)~~; ~~(f)~~, each member appointed under subsection (a)(2) through (a)(4) serves a four (4) year term. The term begins on July 1.

~~(g) (f)~~ A member appointed under subsection (a)(2) through (a)(4) may be removed from the state board by the member's appointing authority for just cause. Vacancies in the appointments to the state board shall be filled by the appointing authority. A member appointed under this subsection serves for the remainder of the unexpired term.

~~(h) (g)~~ The state board shall meet at a minimum at least one (1) time each month. The state board shall establish the date of the next monthly meeting during the monthly meeting of the state board. In addition to the monthly meeting required under this subsection, the state board shall meet at the call of the chairperson.

(h) This subsection expires July 1, 2024. The governor shall appoint a member who has the qualifications described in subsection (a)(2)(D) for the first appointment made by the governor to fill a vacancy on the state board after March 31, 2020.



SECTION 2. IC 20-19-9.1 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 9.1. Indiana Standards and Assessment Accommodation Task Force

Sec. 1. As used in this chapter, "task force" refers to the Indiana standards and assessment accommodation task force established by section 2 of this chapter.

Sec. 2. (a) The Indiana standards and assessment accommodation task force is established. The task force shall review:

- (1) the accommodations provided for by Indiana's statewide assessment to determine if appropriate accommodations are available to accurately measure a student's learning; and
- (2) Indiana's English and language arts academic standards to explore the possibility of separating the academic standard of reading comprehension into a separate reading academic standard and a comprehension academic standard.

On or before November 1, 2020, the task force shall issue a final report and shall make recommendations to the general assembly in an electronic format under IC 5-14-6.

(b) The task force consists of fourteen (14) members as follows:

- (1) One (1) member of the majority party of the house of representatives appointed by the speaker of the house of representatives.
- (2) One (1) member of the majority party of the senate appointed by the president pro tempore of the senate.
- (3) One (1) member of the minority party of the house of representatives appointed by the speaker of the house of representatives in consultation with the minority floor leader of the house of representatives.
- (4) One (1) member of the minority party of the senate appointed by the president pro tempore of the senate in consultation with the minority floor leader of the senate.
- (5) The member of the state board described in IC 20-19-2-2.2(a)(3).
- (6) The member of the state board described in IC 20-19-2-2.2(a)(4).
- (7) One (1) member representing The Arc of Indiana appointed by The Arc of Indiana.
- (8) One (1) member who is an assessment expert with experience in special education assessments appointed by The



Arc of Indiana.

(9) One (1) member representing Decoding Dyslexia Indiana appointed by Decoding Dyslexia Indiana.

(10) One (1) member who is a special education administrator appointed by the Indiana Council of Administrators of Special Education (ICASE).

(11) One (1) member who is a special education teacher jointly appointed by the co-chairs of the task force.

(12) One (1) member who is an assessment expert appointed by the state board.

(13) The department's director of curriculum and instruction.

(14) One (1) member representing the department's office of student assessment appointed by the department.

(c) The members described in subsection (b)(1) and (b)(2) shall serve as co-chairpersons for the task force. The task force shall meet at the call of the co-chairpersons.

(d) A quorum consists of the majority of the members of the task force.

(e) The affirmative votes of a majority of the members of the task force are required for the task force to take action on any measure.

Sec. 3. (a) A member of the task force who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(b) A member of the task force who is a state employee but who is not a member of the general assembly is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(c) A member of the task force who is a member of the general assembly is entitled to receive the same per diem, mileage, and travel allowances paid to legislative members of interim study committees established by the legislative council. Per diem, mileage, and travel allowances paid under this subsection shall be paid from current appropriations made to the legislative council or



the legislative services agency.

Sec. 4. The legislative services agency shall staff the task force.

Sec. 5. This chapter expires July 1, 2021.

SECTION 3. IC 20-32-5.1-6, AS ADDED BY P.L.242-2017, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. (a) The state board shall:

(1) authorize and oversee the department's development and implementation of the Indiana's Learning Evaluation Assessment Readiness Network (ILEARN) program, including:

(A) establishment of criteria for requests for proposals for statewide assessments developed or authorized under this chapter;

(B) establishment of criteria for membership of evaluation teams; and

(C) establishment of criteria for content and format of the statewide assessment; and

(2) require the department to conduct ongoing analysis of whether the statewide assessment results are predictive of success in college and career training programs.

(b) The passing scores on a statewide assessment must be determined by statistically valid and reliable methods as determined by independent experts selected by the state board.

(c) The state board, in consultation with The Arc of Indiana and Indiana Council of Administrators of Special Education (ICASE), shall select one (1) or more individuals who specialize in special education who shall, in turn, be consulted with by the state board as part of the state board's oversight of the development and implementation of the Indiana's Learning Evaluation Assessment Readiness Network (ILEARN) program.

~~(c)~~ (d) The state superintendent, with the approval of the state board, is responsible for the development, implementation, and monitoring of the Indiana's Learning Evaluation Assessment Readiness Network (ILEARN) program.

~~(d)~~ (e) The department shall prepare detailed design specifications for the statewide assessment developed under this chapter that must do the following:

(1) Take into account the academic standards adopted under IC 20-31-3.

(2) Include testing of students' higher level cognitive thinking in each subject area tested.

~~(e)~~ (f) A statewide assessment described in section 7 of this chapter may be in a form that allows the department and the state board, to the



extent possible, to compare the proficiency of Indiana students to the proficiency of students in other states. A statewide assessment may consist of original test items for Indiana's exclusive use if the state board determines that:

- (1) developing original test items for Indiana's exclusive use will result in cost savings; or
- (2) it would be impractical to develop a statewide assessment adequately aligned to Indiana's academic standards without including original test items developed for Indiana's exclusive use.

SECTION 4. IC 20-32-5.1-18.4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 18.4. Notwithstanding any other law, a student's score on the statewide assessment may not be the primary factor or measure used to determine whether a student is eligible for a particular course or program.**

SECTION 5. IC 20-32-5.1-18.5, AS ADDED BY P.L.287-2019, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 18.5. (a) The department shall, ~~make every reasonable attempt to~~ **the extent permitted under federal law,** provide the same ~~voice-to-text, text-to-speech,~~ screen reader, or human reader **and calculator** accommodations to a ~~particular~~ student **in grades 6 through 12** on every section of the statewide assessment program as **if that accommodation is** provided as part of the student's:

- (1) individualized education program;
- (2) service plan developed under 511 IAC 7-34; ~~or~~
- (3) choice ~~scholarship~~ **special** education plan developed under 511 IAC 7-49; ~~or~~
- (4) **plan developed under Section 504 of the federal Rehabilitation Act of 1973, 29 U.S.C. 794.**

~~(b)~~ (b) **The department must submit any guidance or recommendations the department plans to distribute to a school corporation or school that attempts to affect in any manner based on statewide assessment accommodations which instructional methods are included or excluded from a program or plan described in subsection (a) to the state board for approval.**

~~(c)~~ (c) This subsection expires January 1, 2020. The state board shall provide a report to the legislative council in an electronic format under IC 5-14-6, explaining in detail the extent that:

- (1) individualized education programs;
- (2) service plans developed under 511 IAC 7-34; or
- (3) choice ~~scholarship~~ **special** education plans developed under



511 IAC 7-49;

were altered to align to the statewide assessment program.

SECTION 6. IC 20-32-5.1-18.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 18.8. (a) As used in this section, "school" means the following:**

- (1) A school maintained by a school corporation.**
- (2) A charter school.**
- (3) An accredited nonpublic school.**

(b) The department, in consultation with The Arc of Indiana and the Indiana Council of Administrators of Special Education (ICASE), shall develop a notice for a parent of a student who:

- (1) is enrolled in grade 3, 4, or 5; and**
- (2) has an accommodation that:**
 - (A) is provided as part of the student's:**
 - (i) individualized education program;**
 - (ii) service plan developed under 511 IAC 7-34;**
 - (iii) choice special education plan developed under 511 IAC 7-49; or**
 - (iv) plan developed under Section 504 of the federal Rehabilitation Act of 1973, 29 U.S.C. 794; and**
 - (B) the student is not allowed to use on all or part of the statewide assessment.**

(c) The notice developed under subsection (b) must inform the parent of a student described in subsection (b) that the student is not allowed to use the accommodation described in subsection (b)(2) on all or part of the statewide assessment.

(d) The department shall distribute a copy of the notice to each school.

(e) Not later than February 1, 2021, and not later than February 1, 2022, each school shall do the following:

- (1) Provide the notice developed under subsection (b) to a parent of a student described in subsection (b) at the annual review of the student's:**
 - (A) individualized education program;**
 - (B) service plan developed under 511 IAC 7-34;**
 - (C) choice special education plan developed under 511 IAC 7-49; or**
 - (D) plan developed under Section 504 of the federal Rehabilitation Act of 1973, 29 U.S.C. 794.**

If a parent does not attend the annual review, the school shall provide a copy of the notice to the parent by certified mail or



personal delivery.

(2) Discuss and determine, at the annual review described in subdivision (1) in which a parent of the student participates, whether the student may be eligible to opt out of any applicable section of the statewide assessment.

(f) This section expires July 1, 2022.

SECTION 7. An emergency is declared for this act.



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

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