



Reprinted
February 6, 2019

SENATE BILL No. 434

DIGEST OF SB 434 (Updated February 5, 2019 2:41 pm - DI 110)

Citations Affected: IC 20-31; IC 20-32.

Synopsis: Review of category or designation of school performance and alternate diplomas. Requires the state board of education (state board) to develop alternative benchmarks, performance indicators, and accountability standards to be used in the assessment of schools that focus primarily on providing an academic program for students with developmental, intellectual, or behavioral challenges. (Current law requires the state board to develop alternative benchmarks, performance indicators, and accountability standards to be used in the assessment of schools that focus exclusively on providing an academic program for students with developmental, intellectual, or behavioral challenges.) Provides that a school corporation or school may petition
(Continued next page)

Effective: July 1, 2019.

**Zay, Raatz, Houchin, Melton, Kruse,
Randolph Lonnie M**

January 14, 2019, read first time and referred to Committee on Education and Career Development.
January 31, 2019, amended, reported favorably — Do Pass.
February 5, 2019, read second time, amended, ordered engrossed.

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Digest Continued

the state board for review of the school corporation's or school's category or designation of school performance based on objective factors that the school corporation or school considers relevant because the annual assessment data does not accurately reflect, as applicable, school performance, growth, or multiple measures. Provides that, after considering the petition for review, the state board may direct the department of education (department) to revise the category or designation assigned to the school corporation or school. Provides that an alternate diploma must be considered as an option for a student if all other diploma options have been determined to be inappropriate for the student. Provides that if: (1) a student is unable to receive an alternate diploma due to the limitation that not more than 1% of students may receive alternate diplomas; and (2) the student's case conference committee determines that an alternate diploma for the student is appropriate; the school in which the student is enrolled shall request that the department grant a waiver of the limitation to allow the student to receive an alternate diploma if the student meets the requirements to receive the alternate diploma.

SB 434—LS 7049/DI 110



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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.

SENATE BILL No. 434

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 20-31-8-4, AS AMENDED BY P.L.213-2015,
2 SECTION 197, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2019]: Sec. 4. (a) The state board shall place
4 each school in a category or designation of school performance once
5 annually based on the department's findings from the assessment of
6 performance and academic growth under section 2 of this chapter.
7 (b) The state board may place a school in a category or designation
8 of school performance only if:
9 (1) the department has provided each school the opportunity to
10 review, add to, or supplement the data, and to correct any errors
11 in the data; and
12 (2) the state board's staff has had an opportunity to review and
13 analyze the school corporation, school, and student level data.
14 (c) **Based on procedures adopted by the state board, a school**
15 **corporation or school may petition the state board for review of the**
16 **school corporation's or school's category or designation of school**

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1 performance placement based on objective factors that the school
 2 corporation or school considers relevant because the annual
 3 assessment data does not accurately reflect, as applicable, school
 4 performance, growth, or multiple measures. Objective factors
 5 include:

- 6 (1) significant demographic changes in the student
 7 population;
 8 (2) errors in data; or
 9 (3) other significant issues, including errors in the application
 10 of the rules to determine a category or designation of school
 11 performance.

12 After considering the petition for review, the state board may
 13 direct the department to revise the category or designation
 14 assigned to the school corporation or school, including assigning a
 15 "null" or "no letter grade" category or designation to the school
 16 corporation or school.

17 ~~(c)~~ (d) The state board may obtain assistance from another entity or,
 18 with the approval of the legislative council, the legislative services
 19 agency, to ensure the validity and reliability of the performance
 20 category or designation placements calculated by the department under
 21 section 2 of this chapter. The department shall provide all the data
 22 necessary to complete those calculations to the legislative services
 23 agency or to an entity designated by the state board.

24 SECTION 2. IC 20-31-8-4.5, AS ADDED BY P.L.205-2013,
 25 SECTION 255, IS AMENDED TO READ AS FOLLOWS
 26 [EFFECTIVE JULY 1, 2019]: Sec. 4.5. In addition to other
 27 benchmarks, performance indicators, and accountability standards
 28 developed under this article, the state board shall develop alternative
 29 benchmarks, performance indicators, and accountability standards to
 30 be used in the assessment of schools that focus ~~exclusively~~ **primarily**
 31 on providing an academic program for students with developmental,
 32 intellectual, or behavioral challenges.

33 SECTION 3. IC 20-32-4-14, AS ADDED BY P.L.192-2018,
 34 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2019]: Sec. 14. (a) **As used in this section, "case conference
 36 committee" has the meaning set forth in IC 20-35-9-3.**

37 ~~(a)~~ (b) The state board shall create an alternate diploma for students
 38 with significant cognitive disabilities. The diploma must be:

- 39 (1) standards-based; ~~and~~
 40 (2) aligned with Indiana's requirements for an Indiana diploma;
 41 **and**
 42 (3) considered as an option for a student if all other diploma



- 1 **options have been determined to be inappropriate for the**
 2 **student.**
- 3 ~~(b)~~ **(c)** Not more than one percent (1%) of students of a cohort may
 4 receive the alternate diploma established by the state board under
 5 subsection ~~(a)~~ **(b) unless a school requests a waiver from the**
 6 **department as provided under subsection (e) and the waiver is**
 7 **granted.**
- 8 ~~(c)~~ **(d)** The alternate diploma must comply with the federal Every
 9 Student Succeeds Act (ESSA) (20 U.S.C. 6311).
- 10 ~~(d)~~ **(e) If:**
- 11 **(1) a student is unable to receive an alternate diploma due to**
 12 **the limitation under subsection (c); and**
- 13 **(2) the student's case conference committee determines that**
 14 **an alternate diploma for the student is appropriate as**
 15 **described in subsection (b)(3);**
- 16 **the school in which the student is enrolled shall request that the**
 17 **department grant a waiver of the limitation under subsection (c) to**
 18 **allow the student to receive an alternate diploma if the student**
 19 **meets the requirements to receive the alternate diploma.**
- 20 **(f)** The state board shall adopt rules under IC 4-22-2 that are
 21 necessary to carry out this section.



COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill No. 434, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 20-31-8-4, AS AMENDED BY P.L.213-2015, SECTION 197, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. (a) The state board shall place each school in a category or designation of school performance once annually based on the department's findings from the assessment of performance and academic growth under section 2 of this chapter.

(b) The state board may place a school in a category or designation of school performance only if:

- (1) the department has provided each school the opportunity to review, add to, or supplement the data, and to correct any errors in the data; and
- (2) the state board's staff has had an opportunity to review and analyze the school corporation, school, and student level data.

(c) Based on procedures adopted by the state board, a school corporation or school may petition the state board for review of the school corporation's or school's category or designation of school performance placement based on objective factors that the school corporation or school considers relevant because the annual assessment data does not accurately reflect, as applicable, school performance, growth, or multiple measures. Objective factors include:

- (1) significant demographic changes in the student population;**
- (2) errors in data; or**
- (3) other significant issues, including errors in the application of the rules to determine a category or designation of school performance.**

After considering the petition for review, the state board may direct the department to revise the category or designation assigned to the school corporation or school, including assigning a "null" or "no letter grade" category or designation to the school corporation or school.

~~(c)~~ **(d)** The state board may obtain assistance from another entity or, with the approval of the legislative council, the legislative services



agency, to ensure the validity and reliability of the performance category or designation placements calculated by the department under section 2 of this chapter. The department shall provide all the data necessary to complete those calculations to the legislative services agency or to an entity designated by the state board."

Page 1, delete lines 10 through 17, begin a new paragraph and insert:

"SECTION 3. IC 20-32-4-14, AS ADDED BY P.L.192-2018, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 14. **(a) As used in this section, "case conference committee" has the meaning set forth in IC 20-35-9-3.**

~~(a)~~ **(b)** The state board shall create an alternate diploma for students with significant cognitive disabilities. The diploma must be:

- (1) standards-based; ~~and~~
- (2) aligned with Indiana's requirements for an Indiana diploma; **and**
- (3) considered as an option for a student if all other diploma options have been determined to be inappropriate for the student.**

~~(b)~~ **(c)** Not more than one percent (1%) of students of a cohort may receive the alternate diploma established by the state board under subsection ~~(a)~~ **(b) unless a school requests a waiver from the department as provided under subsection (e) and the waiver is granted.**

~~(e)~~ **(d)** The alternate diploma must comply with the federal Every Student Succeeds Act (ESSA) (20 U.S.C. 6311).

~~(d)~~ **(e) If:**

- (1) a student is unable to receive an alternate diploma due to the limitation under subsection (c); and**
- (2) the student's case conference committee determines that an alternate diploma for the student is appropriate as described in subsection (b)(3);**

the school in which the student is enrolled shall request that the department grant a waiver to allow the student to receive an alternate diploma.



(f) The state board shall adopt rules under IC 4-22-2 that are necessary to carry out this section."

Delete page 2.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 434 as introduced.)

RAATZ, Chairperson

Committee Vote: Yeas 10, Nays 0.

SENATE MOTION

Madam President: I move that Senate Bill 434 be amended to read as follows:

Page 3, line 16, after "waiver" insert "**of the limitation under subsection (c)**".

Page 3, line 17, delete "diploma." and insert "**diploma if the student meets the requirements to receive the alternate diploma.**".

(Reference is to SB 434 as printed February 1, 2019.)

HOUCHIN

