



April 5, 2019

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**ENGROSSED**  
**SENATE BILL No. 438**

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DIGEST OF SB 438 (Updated April 3, 2019 12:10 pm - DI 116)

**Citations Affected:** IC 20-18; IC 20-28; IC 20-31; IC 20-32; noncode.

**Synopsis:** Various education matters. 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 primarily on providing an academic program for students with developmental, intellectual, or behavioral challenges.) Provides that a school corporation or school that focuses primarily on providing an academic program for students with developmental, intellectual, or behavioral challenges may petition 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  
(Continued next page)

**Effective:** Upon passage; July 1, 2019.

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**Zay, Raatz, Ford J.D., Kruse,**  
**Randolph Lonnie M**

(HOUSE SPONSORS — BEHNING, JORDAN)

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January 14, 2019, read first time and referred to Committee on Education and Career Development.

January 24, 2019, amended, reported favorably — Do Pass.

January 28, 2019, read second time, amended, ordered engrossed.

January 29, 2019, engrossed. Read third time, passed. Yeas 49, nays 0.

HOUSE ACTION

February 26, 2019, read first time and referred to Committee on Education.

April 4, 2019, amended, reported — Do Pass.

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ES 438—LS 6994/DI 110



## Digest Continued

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. Provides that the department may not grant a waiver of more than .5% of students of a particular cohort. Amends requirements to be eligible for a career specialist permit. Establishes requirements to be eligible for a workplace specialist license. (The current requirements to be eligible for a workplace specialist license are in rules adopted by the Indiana state board of education.) Requires the department of education to enter into the National Association of State Directors of Teacher Education and Certification (NASDTEC) Interstate Agreement. Requires the commission for higher education to establish a dual credit advisory council (council) to review and update, as needed, the requirements under HEA 1370-2016 (P.L.175-2016) concerning ensuring that a teacher who currently teaches a high school dual credit course on behalf of or under an agreement with a state educational institution can, by July 1, 2022, meet accreditation requirements established by the state educational institution's regional accrediting agency or an association recognized by the United States Department of Education. Requires, not later than November 1, 2019, the council to submit a report to the legislative council concerning the council's findings and recommendations. Removes, for purposes of obtaining an initial practitioner teaching license, the requirement that an individual must pass a written examination in basic reading, writing, and mathematics (CASA examination).

**ES 438—LS 6994/DI 110**



April 5, 2019

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.

## ENGROSSED SENATE BILL No. 438

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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 20-18-2-27 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2019]: **Sec. 27. "Workplace specialist license" refers to a**  
4 **workplace specialist license described in 511 IAC 17-1-2 or its**  
5 **successor rule.**
- 6 SECTION 2. IC 20-28-4-6, AS AMENDED BY P.L.90-2011,  
7 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
8 JULY 1, 2019]: Sec. 6. The department shall grant an initial  
9 practitioner license to a program participant who does the following:  
10 (1) Successfully completes the requirements of the program.  
11 (2) Demonstrates proficiency through a written examination in:  
12 (~~A~~) **basic reading, writing, and mathematics;**  
13 (~~B~~) **(A) pedagogy; and**  
14 (~~C~~) **(B) knowledge of the areas in which the program**  
15 **participant is required to have a license to teach;**  
16 **under IC 20-28-5-12(b).**  
17 **(3) Possesses a bachelor's degree.**

ES 438—LS 6994/DI 110



- 1           ~~(3)~~ **(4)** Participates successfully in a beginning teacher residency  
 2 program that includes implementation in a classroom of the  
 3 teaching skills learned in the program.
- 4           ~~(4)~~ **(5)** Receives a successful assessment of teaching skills upon  
 5 completion of the beginning teacher residency program under  
 6 subdivision ~~(3)~~ **(4)** from the administrator of the school where the  
 7 beginning teacher residency program takes place, or, if the  
 8 program participant does not receive a successful assessment,  
 9 continues participating in the beginning teacher residency  
 10 program.
- 11           SECTION 3. IC 20-28-5-12, AS AMENDED BY P.L.106-2016,  
 12 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 13 JULY 1, 2019]: Sec. 12. (a) Subsection (b) does not apply to an  
 14 individual who:
- 15                 (1) held an Indiana limited, reciprocal, or standard teaching  
 16 license on June 30, 1985; or  
 17                 (2) is granted a license under section 18 of this chapter.
- 18           (b) The department may not grant an initial practitioner license to  
 19 an individual unless the individual has demonstrated proficiency in the  
 20 following areas on a written examination or through other procedures  
 21 prescribed by the department:
- 22                 ~~(1) Basic reading, writing, and mathematics.~~  
 23                 ~~(2)~~ **(1)** Pedagogy.  
 24                 ~~(3)~~ **(2)** Knowledge of the areas in which the individual is required  
 25 to have a license to teach.  
 26                 ~~(4)~~ **(3)** If the individual is seeking to be licensed as an elementary  
 27 school teacher, comprehensive scientifically based reading  
 28 instruction skills, including:
- 29                         (A) phonemic awareness;  
 30                         (B) phonics instruction;  
 31                         (C) fluency;  
 32                         (D) vocabulary; and  
 33                         (E) comprehension.
- 34           (c) An individual's license examination score may not be disclosed  
 35 by the department without the individual's consent unless specifically  
 36 required by state or federal statute or court order.
- 37           (d) The state board shall adopt rules under IC 4-22-2 to do the  
 38 following:
- 39                 (1) Adopt, validate, and implement the examination or other  
 40 procedures required by subsection (b).  
 41                 (2) Establish examination scores indicating proficiency.  
 42                 (3) Otherwise carry out the purposes of this section.



1 (e) Subject to section 18 of this chapter, the state board shall adopt  
 2 rules under IC 4-22-2 establishing the conditions under which the  
 3 requirements of this section may be waived for an individual holding  
 4 a valid teacher's license issued by another state.

5 SECTION 4. IC 20-28-5-21, AS ADDED BY P.L.170-2018,  
 6 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 7 JULY 1, 2019]: Sec. 21. To be eligible for a career specialist permit to  
 8 teach in a secondary school, an applicant must meet one (1) of the  
 9 following:

10 (1) The applicant:

11 (A) has a bachelor's degree with a cumulative grade point  
 12 average of at least 3.0 on a 4.0 scale (or its equivalent if  
 13 another grading scale is used) in the content area in which the  
 14 applicant intends to teach;

15 (B) has passed the approved content area examination in the  
 16 content area in which the applicant intends to teach;

17 (C) demonstrates proficiency in the area of pedagogy under  
 18 procedures prescribed by the department; and

19 (D) has, within the immediately preceding five (5) years, at  
 20 least ~~six~~ **four** thousand ~~(6,000)~~ **(4,000)** clock hours of  
 21 documented occupational experience in the content area in  
 22 which the applicant intends to teach.

23 (2) The applicant:

24 (A) meets the requirements under subdivision (1)(A) or (1)(B);

25 (B) demonstrates proficiency in the area of pedagogy under  
 26 procedures prescribed by the department; and

27 (C) has, within the immediately preceding seven (7) years, at  
 28 least ~~ten~~ **five** thousand ~~(10,000)~~ **(5,000)** clock hours of  
 29 documented occupational experience in the content area in  
 30 which the applicant intends to teach.

31 SECTION 5. IC 20-28-5-22 IS ADDED TO THE INDIANA CODE  
 32 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 33 1, 2019]: **Sec. 22. To be eligible for a workplace specialist license,  
 34 an applicant must meet the following criteria:**

35 **(1) Hold a high school diploma and be at least twenty-one (21)  
 36 years of age.**

37 **(2) Be accepted for employment as a workplace specialist  
 38 teacher in a recognized content area listed on the workplace  
 39 specialist license by at least one (1) of the following:**

40 **(A) An Indiana school corporation.**

41 **(B) A cooperating school corporation for career and  
 42 technical education organized under IC 20-37-1-1.**



- 1           (C) An accredited education program offered by the  
2           department of correction.
- 3           (3) Complete the application process required by the  
4           department.
- 5           (4) Provide documentation that the applicant meets at least  
6           one (1) of the following criteria:
- 7           (A) The applicant has, within the immediately preceding  
8           five (5) years, at least five thousand (5,000) clock hours of  
9           documented occupational experience in the specific career  
10          and technical occupational area in which the applicant  
11          intends to teach.
- 12          (B) The applicant has:
- 13           (i) within the immediately preceding ten (10) years, at  
14           least four thousand (4,000) clock hours of documented  
15           occupational experience in the specific career and  
16           technical occupational area in which the applicant  
17           intends to teach; and
- 18           (ii) completed a state approved occupational competency  
19           exam in the career and technical occupational area in  
20           which the applicant intends to teach, an associate,  
21           baccalaureate, or graduate degree from a postsecondary  
22           educational institution in the career and technical  
23           occupational area in which the applicant intends to  
24           teach, or an approved apprenticeship or internship  
25           program that is a regular part of the training for the  
26           career and technical occupational area in which the  
27           applicant intends to teach.
- 28          SECTION 6. IC 20-28-5-23 IS ADDED TO THE INDIANA CODE  
29          AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
30          1, 2019]: **Sec. 23. The department shall enter into the National  
31          Association of State Directors of Teacher Education and  
32          Certification (NASDTEC) Interstate Agreement.**
- 33          SECTION 7. IC 20-31-8-4, AS AMENDED BY P.L.213-2015,  
34          SECTION 197, IS AMENDED TO READ AS FOLLOWS  
35          [EFFECTIVE JULY 1, 2019]: Sec. 4. (a) The state board shall place  
36          each school in a category or designation of school performance once  
37          annually based on the department's findings from the assessment of  
38          performance and academic growth under section 2 of this chapter.
- 39          (b) The state board may place a school in a category or designation  
40          of school performance only if:
- 41           (1) the department has provided each school the opportunity to  
42           review, add to, or supplement the data, and to correct any errors



1 in the data; and

2 (2) the state board's staff has had an opportunity to review and  
3 analyze the school corporation, school, and student level data.

4 **(c) Based on procedures adopted by the state board, a school**  
5 **corporation or school that focuses primarily on providing an**  
6 **academic program for students with developmental, intellectual,**  
7 **or behavioral challenges may petition the state board for review of**  
8 **the school corporation's or school's category or designation of**  
9 **school performance placement based on objective factors that the**  
10 **school corporation or school considers relevant because the annual**  
11 **assessment data does not accurately reflect, as applicable, school**  
12 **performance, growth, or multiple measures. Objective factors**  
13 **include:**

14 **(1) significant demographic changes in the student**  
15 **population;**

16 **(2) errors in data; or**

17 **(3) other significant issues.**

18 **After considering the petition for review, the state board may**  
19 **direct the department to revise the category or designation**  
20 **assigned to the school corporation or school, including assigning a**  
21 **"null" or "no letter grade" category or designation to the school**  
22 **corporation or school. The state board may grant the "null"**  
23 **designation for multiple years.**

24 **(c) (d)** The state board may obtain assistance from another entity or,  
25 with the approval of the legislative council, the legislative services  
26 agency, to ensure the validity and reliability of the performance  
27 category or designation placements calculated by the department under  
28 section 2 of this chapter. The department shall provide all the data  
29 necessary to complete those calculations to the legislative services  
30 agency or to an entity designated by the state board.

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

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



1 **committee" has the meaning set forth in IC 20-35-9-3.**

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

4 (1) standards-based; ~~and~~

5 (2) aligned with Indiana's requirements for an Indiana diploma;  
6 **and**

7 **(3) considered as an option for a student if all other diploma**  
8 **options have been determined to be inappropriate for the**  
9 **student.**

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

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

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

18 **(1) a student is unable to receive an alternate diploma due to**  
19 **the limitation under subsection (c); and**

20 **(2) the student's case conference committee determines that**  
21 **an alternate diploma for the student is appropriate as**  
22 **described in subsection (b)(3);**

23 **the school in which the student is enrolled shall request that the**  
24 **department grant a waiver of the limitation under subsection (c) to**  
25 **allow the student to receive an alternate diploma if the student**  
26 **meets the requirements to receive the alternate diploma. However,**  
27 **the department may not grant a waiver of more than five tenths**  
28 **percent (0.5%) of students of the particular cohort of the school.**

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

31 SECTION 10. [EFFECTIVE UPON PASSAGE] **(a) As used in this**  
32 **SECTION, "commission" refers to the commission for higher**  
33 **education established by IC 21-18-2-1.**

34 **(b) As used in this SECTION, "dual credit course" has the**  
35 **meaning set forth in IC 21-43-1-2.5.**

36 **(c) As used in this SECTION, "state educational institution" has**  
37 **the meaning set forth in IC 21-7-13-32.**

38 **(d) The commission shall establish a dual credit advisory council**  
39 **to review and update, as needed, the requirements under HEA**  
40 **1370-2016 (P.L.175-2016) concerning ensuring that a teacher who**  
41 **currently teaches a high school dual credit course on behalf of or**  
42 **under an agreement with a state educational institution can, by**



1 **July 1, 2022, meet accreditation requirements established by the**  
2 **state educational institution's regional accrediting agency or an**  
3 **association recognized by the United States Department of**  
4 **Education.**

5 **(e) The dual credit advisory council established under**  
6 **subsection (d) shall:**

7 **(1) review and update, as needed, any remaining gaps in**  
8 **credentialing a teacher who teaches a dual credit course in**  
9 **Indiana;**

10 **(2) make recommendations for closing the gaps described in**  
11 **subdivision (1) in a manner that:**

12 **(A) considers programs, policies, and methods for school**  
13 **corporations and dual credit providers that incentivize**  
14 **dual credit teachers to pursue additional course work or**  
15 **requisites in order to continue to teach dual credit courses;**

16 **(B) identifies potential funding mechanisms for dual credit**  
17 **teachers to pursue additional course work and requisites**  
18 **in order to continue to teach dual credit courses; and**

19 **(C) will ensure that the course work or other requirements**  
20 **will be provided during summers, evenings, online, and on**  
21 **weekends;**

22 **(3) make recommendations regarding funding, including state**  
23 **funded grants or scholarships, to ensure that teachers who**  
24 **teach dual credit courses will not be required to make**  
25 **personal expenditures; and**

26 **(4) prepare a report concerning the council's findings and**  
27 **recommendations.**

28 **(f) Not later than November 1, 2019, the dual credit advisory**  
29 **council shall submit the report prepared under subsection (e)(4) to**  
30 **the legislative council in an electronic format under IC 5-14-6.**

31 **(g) Members of the dual credit advisory council are not entitled**  
32 **to per diem or reimbursement of expenses.**

33 **(h) This SECTION expires June 30, 2020.**

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



## COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill No. 438, 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 3, delete lines 39 through 41, begin a new line double block indented and insert:

**"(A) considers programs, policies, and methods for school corporations and dual credit providers that incentivize dual credit teachers to pursue additional course work or requisites in order to continue to teach dual credit courses; (B) identifies potential funding mechanisms for dual credit teachers to pursue additional course work and requisites in order to continue to teach dual credit courses; and"**.

Page 3, line 42, delete "(B)" and insert "(C)".

Page 4, line 6, delete "expenditures as described in subdivision (2)(A);" and insert "**expenditures;**".

and when so amended that said bill do pass.

(Reference is to SB 438 as introduced.)

RAATZ, Chairperson

Committee Vote: Yeas 10, Nays 0.

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 SENATE MOTION

Madam President: I move that Senate Bill 438 be amended to read as follows:

Page 4, between lines 15 and 16, begin a new paragraph and insert:

**"(g) Members of the dual credit advisory council are not entitled to per diem or reimbursement of expenses."**

Page 4, line 16, delete "(g)" and insert "**(h)**".

(Reference is to SB 438 as printed January 25, 2019.)

RAATZ



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Senate Bill 438, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between lines 5 and 6, begin a new paragraph and insert:

"SECTION 2. IC 20-28-4-6, AS AMENDED BY P.L.90-2011, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 6. The department shall grant an initial practitioner license to a program participant who does the following:

- (1) Successfully completes the requirements of the program.
- (2) Demonstrates proficiency through a written examination in:
  - ~~(A)~~ basic reading, writing, and mathematics;
  - ~~(B)~~ (A) pedagogy; and
  - ~~(C)~~ (B) knowledge of the areas in which the program participant is required to have a license to teach;

under IC 20-28-5-12(b).

**(3) Possesses a bachelor's degree.**

~~(3)~~ (4) Participates successfully in a beginning teacher residency program that includes implementation in a classroom of the teaching skills learned in the program.

~~(4)~~ (5) Receives a successful assessment of teaching skills upon completion of the beginning teacher residency program under subdivision ~~(3)~~ (4) from the administrator of the school where the beginning teacher residency program takes place, or, if the program participant does not receive a successful assessment, continues participating in the beginning teacher residency program.

SECTION 3. IC 20-28-5-12, AS AMENDED BY P.L.106-2016, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 12. (a) Subsection (b) does not apply to an individual who:

- (1) held an Indiana limited, reciprocal, or standard teaching license on June 30, 1985; or
- (2) is granted a license under section 18 of this chapter.

(b) The department may not grant an initial practitioner license to an individual unless the individual has demonstrated proficiency in the following areas on a written examination or through other procedures prescribed by the department:

- ~~(1)~~ Basic reading, writing, and mathematics.
- ~~(2)~~ (1) Pedagogy.



~~(3)~~ **(2)** Knowledge of the areas in which the individual is required to have a license to teach.

~~(4)~~ **(3)** If the individual is seeking to be licensed as an elementary school teacher, comprehensive scientifically based reading instruction skills, including:

- (A) phonemic awareness;
- (B) phonics instruction;
- (C) fluency;
- (D) vocabulary; and
- (E) comprehension.

(c) An individual's license examination score may not be disclosed by the department without the individual's consent unless specifically required by state or federal statute or court order.

(d) The state board shall adopt rules under IC 4-22-2 to do the following:

- (1) Adopt, validate, and implement the examination or other procedures required by subsection (b).
- (2) Establish examination scores indicating proficiency.
- (3) Otherwise carry out the purposes of this section.

(e) Subject to section 18 of this chapter, the state board shall adopt rules under IC 4-22-2 establishing the conditions under which the requirements of this section may be waived for an individual holding a valid teacher's license issued by another state."

Page 2, line 4, delete "three" and insert "**four**".

Page 2, line 4, delete "(3,000)" and insert "**(4,000)**".

Page 2, line 18, delete ":" and insert "**criteria:**".

Page 2, line 19, delete "diploma." and insert "**diploma and be at least twenty-one (21) years of age.**".

Page 2, line 31, delete ":" and insert "**criteria:**".

Page 2, line 33, delete "three thousand (3,000)" and insert "**five thousand (5,000)**".

Page 2, line 39, delete "two thousand (2,000)" and insert "**four thousand (4,000)**".

Page 3, between lines 15 and 16, begin a new paragraph and insert:  
"SECTION 6. 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 that focuses primarily on providing an academic program for students with developmental, intellectual, or behavioral challenges 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.**

**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. The state board may grant the "null" designation for multiple years.**

**(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.

SECTION 7. IC 20-31-8-4.5, AS ADDED BY P.L.205-2013, SECTION 255, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4.5. In addition to other benchmarks, performance indicators, and accountability standards developed under this article, the state board shall develop alternative benchmarks, performance indicators, and accountability standards to be used in the assessment of schools that focus ~~exclusively~~ **primarily** on providing an academic program for students with developmental, intellectual, or behavioral challenges.

SECTION 8. 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.**

~~(c)~~ **(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 of the limitation under subsection (c) to allow the student to receive an alternate diploma if the student meets the requirements to receive the alternate diploma. However, the department may not grant a waiver of more than five tenths percent (0.5%) of students of the particular cohort of the school.**

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

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 438 as reprinted January 29, 2019.)

BEHNING

Committee Vote: yeas 12, nays 0.

ES 438—LS 6994/DI 110

