

# HOUSE BILL No. 1171

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 20-19-8-3; IC 20-32-8.5; IC 20-35.5.

**Synopsis:** IREAD 3. Provides that the reading plan established by the department of education, in conjunction with the state board of education, must provide flexibility to school corporations and schools in the manner the school corporation or school offers determinant evaluations. Authorizes school corporations or schools to make determinant evaluations in a manner other than providing a one time assessment. Voids the administrative rule establishing a reading plan and requiring the administration of IREAD 3. Makes conforming amendments.

**Effective:** July 1, 2020.

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## Prescott

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January 8, 2020, read first time and referred to Committee on Education.

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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 *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2019 Regular Session of the General Assembly.

# HOUSE BILL No. 1171

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 20-19-8-3, AS ADDED BY P.L.174-2019,  
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2020]: Sec. 3. (a) The legislative council is urged to assign to  
4 the study committee during the 2019, 2020, 2021, and 2022 interims  
5 the study of the following:  
6 (1) How to do the following:  
7 (A) Eliminate, reduce, or streamline the number of education  
8 mandates placed on schools.  
9 (B) Streamline fiscal and compliance reporting to the general  
10 assembly on a sustainable and systematic basis.  
11 (2) During the 2019 interim, the following:  
12 (A) The following provisions:  
13 IC 5-2-10.1-11 (school safety specialist).  
14 IC 5-11-1-27 (local government internal control standards).  
15 IC 20-20-40-13 (restraint and seclusion; notice requirement;  
16 training; elements of the restraint and seclusion plan).  
17 IC 20-26-5-34.2 (bullying prevention; training for



- 1 employees and volunteers).  
 2 IC 20-26-13 (graduation rate determination).  
 3 IC 20-26-16-4 (school corporation police officer minimum  
 4 training requirements).  
 5 IC 20-26-18 (criminal gang measures).  
 6 IC 20-26-18.2 (school resource officers).  
 7 IC 20-28-3-4.5 (training on child abuse and neglect).  
 8 IC 20-28-3-6 (youth suicide awareness and prevention  
 9 training).  
 10 IC 20-28-3-7 (training on human trafficking).  
 11 IC 20-28-5-3(c) (cardiopulmonary resuscitation training).  
 12 IC 20-34-7 (student athletes: concussions and head injuries).  
 13 (B) The relation, if applicable, of any requirements under  
 14 provisions listed in clause (A) with the following federal  
 15 provisions, and whether any of the requirements under  
 16 provisions listed in clause (A) or other state law can be  
 17 streamlined with the federal provisions to alleviate  
 18 administrative burdens for schools:  
 19 29 CFR 1910.1030 (bloodborne pathogens).  
 20 29 CFR 1910.147 (lock out/tag out).  
 21 (3) During the 2020 interim, the following:  
 22 (A) The following provisions:  
 23 IC 5-11-1-27 (local government internal control standards).  
 24 IC 5-22-8-2 (purchases below fifty thousand dollars  
 25 (\$50,000)).  
 26 IC 20-19-6.2 (Indiana family friendly school designation  
 27 program).  
 28 IC 20-26-3-5 (constitutional or statutory exercise of powers;  
 29 written policy).  
 30 IC 20-26-5-1 (power and purpose to conduct various  
 31 education programs).  
 32 IC 20-26-5-10 (adoption of criminal history background and  
 33 child protection index check policy; implementation of  
 34 policy).  
 35 IC 20-26-5-34.4 (child suicide awareness and prevention).  
 36 IC 20-33-2-14 (compulsory attendance; school corporation  
 37 policy; exceptions; service as page or honoree of general  
 38 assembly).  
 39 IC 20-33-8-12 (adoption of discipline rules; publicity  
 40 requirement; discipline policy regulations and guidelines;  
 41 delegation of authority; rulemaking powers of governing  
 42 body).



- 1 IC 20-33-8-13.5 (discipline rules prohibiting bullying  
 2 required).  
 3 IC 20-33-8-32 (locker searches).  
 4 IC 20-43-10-3.5 (teacher appreciation grants).  
 5 410 IAC 33-4-3 (vehicles idling).  
 6 410 IAC 33-4-7 (policy for animals in the classroom).  
 7 410 IAC 33-4-8 (policy to minimize student exposure to  
 8 chemicals).  
 9 511 IAC 6-10-4 (postsecondary enrollment program local  
 10 policies).  
 11 511 IAC 6.1-5-9 (required homework policy).  
 12 511 IAC 6.1-5-10 (policy prohibiting retaining students for  
 13 athletic purposes).  
 14 511 IAC 7-36-9 (medication administration).  
 15 511 IAC 7-42-10 (least restrictive environment and delivery  
 16 of special education and related services).  
 17 (B) The relation, if applicable, of any requirements under  
 18 provisions listed in clause (A) with the following federal  
 19 provisions, and whether any of the requirements under  
 20 provisions listed in clause (A) or any other state law can be  
 21 streamlined with the federal provisions to alleviate  
 22 administrative burdens for schools:  
 23 20 U.S.C. 1232h(c) and 34 CFR 98.3 (parental access to  
 24 instructional materials).  
 25 20 U.S.C. 6318(a)(2) (parent and family engagement).  
 26 20 U.S.C. 7961(h)(1) (Gun-Free Schools Act).  
 27 41 U.S.C. 8103 and 34 CFR 84 (drug-free workplace).  
 28 42 U.S.C. 1751 through 42 U.S.C. 1769 (school lunch).  
 29 7 CFR 210.31 (local school wellness policy).  
 30 (4) During the 2021 interim, the following:  
 31 (A) The following provisions:  
 32 IC 5-3-1-3(b) through IC 5-3-1-3(e) and IC 5-3-1-3(g)  
 33 (publication of annual financial report).  
 34 IC 20-18-2-2.7 (definition of "curricular material").  
 35 IC 20-19-2-8 (adoption of administrative rules by the state  
 36 board).  
 37 IC 20-19-2-16 (federal aid concerning children with  
 38 disabilities).  
 39 IC 20-19-3-9.4 (disclosure of student test number  
 40 information).  
 41 IC 20-20-8-8 (school corporation annual performance  
 42 report).



- 1 IC 20-20-33 (alternative education program grants).  
 2 IC 20-26-13 (graduation rate determination).  
 3 IC 20-28-5-1 (department's responsibility for licensing  
 4 teachers).  
 5 IC 20-28-11.5-9 (staff performance evaluation reporting).  
 6 IC 20-30-8 (alternative program for certain students).  
 7 IC 20-33-2-3.2 (definition of "attend").  
 8 IC 20-33-5-7 (public schools; curricular material assistance;  
 9 state reimbursement).  
 10 IC 20-34-6 (student safety reporting).  
 11 IC 20-35-5-2 (formation of special education cooperative).  
 12 IC 20-36 (high ability students).  
 13 IC 20-43-1-3 (definition of "honors designation award").  
 14 IC 20-43-4-2 (determination of ADM).  
 15 ~~IC 20-43-10-3 (determination of annual performance grant).~~  
 16 IC 21-12-10 (eligibility for Mitch Daniels early graduation  
 17 scholarship).  
 18 511 IAC 6-9.1 (waiver of curriculum and graduation rules  
 19 for high ability students).  
 20 ~~511 IAC 6.2-3.1 (reading plan).~~  
 21 511 IAC 7-46-4 (child count data collection).  
 22 511 IAC 10-6-4(a)(1) (staff evaluation measures).  
 23 511 IAC 16-2-7 (creditable experience for licensing).  
 24 (B) The relation, if applicable, of any requirements under  
 25 provisions listed in clause (A) with the following federal  
 26 provisions and whether any of the requirements under  
 27 provisions listed in clause (A) or other state law can be  
 28 streamlined with the federal provisions to alleviate  
 29 administrative burdens for schools:  
 30 20 U.S.C. 3413(c)(1) (civil rights data collection).  
 31 Individuals with Disabilities Education Act (IDEA), Section  
 32 618 Part C (child count reporting requirements).  
 33 Elementary and Secondary Education Act of 1965 (ESEA),  
 34 Section 8303, as amended by the Every Student Succeeds  
 35 Act (ESSA) (consolidated reporting).  
 36 34 CFR 300.601 (state performance plans and data  
 37 collection).  
 38 (5) During the 2022 interim, the following provisions:  
 39 IC 20-30-5-5.5 (instruction on bullying prevention).  
 40 IC 20-30-5-5.7 (child abuse and child sexual abuse).  
 41 IC 20-30-5-7 (required curriculum).  
 42 IC 20-30-5-8 (safety instruction).



- 1 IC 20-30-5-9 (hygiene instruction).  
 2 IC 20-30-5-10 (disease instruction).  
 3 IC 20-30-5-11 (drug education).  
 4 IC 20-30-5-12 (AIDS education).  
 5 IC 20-30-5-13 (human sexuality and sexually transmitted  
 6 diseases instructional requirements).  
 7 IC 20-30-5-14 (career awareness and development).  
 8 IC 20-30-5-15 (breast cancer and testicular cancer education).  
 9 IC 20-30-5-16 (human organ and blood donor program  
 10 education).  
 11 IC 20-30-5-17 (access to materials; consent for participation).  
 12 IC 20-30-5-18 (meningitis information).  
 13 IC 20-30-5-19 (personal financial responsibility instruction).  
 14 IC 20-30-5-20 (instruction in cardiopulmonary resuscitation).  
 15 IC 20-30-5-23 (computer studies).

16 (b) The study committee shall include in its annual report for each  
 17 interim the study committee's recommendations, including any  
 18 recommendations to the general assembly as to whether a provision  
 19 described in subsection (a)(2)(A), (a)(3)(A), (a)(4)(A), or (a)(5) should  
 20 repealed or whether the provision may be improved to lessen the  
 21 administrative burden placed on schools.

22 (c) This chapter expires January 1, 2023.

23 SECTION 2. IC 20-32-8.5-1, AS ADDED BY P.L.109-2010,  
 24 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 25 JULY 1, 2020]: Sec. 1. The state superintendent, in conjunction with  
 26 the state board, shall develop a plan to improve reading skills of  
 27 students and implement appropriate remediation techniques for  
 28 students. **The plan shall provide flexibility to school corporations  
 29 and schools in the manner the school corporation or school offers  
 30 determinant evaluations under section 2(a)(2) of this chapter and  
 31 authorize school corporations or schools to make determinant  
 32 evaluations in a manner other than providing a one (1) time  
 33 assessment. However, the department, in conjunction with the state  
 34 board, may establish guidelines for school corporations and schools  
 35 to ensure that students meet reading skill standards.**

36 SECTION 3. IC 20-32-8.5-2, AS AMENDED BY P.L.160-2012,  
 37 SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 38 JULY 1, 2020]: Sec. 2. (a) Except as provided in subsection (b) or (c),  
 39 the plan required by this chapter must include the following:

- 40 (1) Reading skill standards for grade 1 through grade 3.  
 41 (2) An emphasis on a method for making determinant evaluations  
 42 by grade 3 **in a manner prescribed by the school corporation**



1 **or school in accordance with guidelines established in section**  
 2 **1 of this chapter** that might require remedial action for the  
 3 student, including retention as a last resort, after other methods of  
 4 remediation have been evaluated or used, or both, if reading skills  
 5 are below the standard. Appropriate consultation with parents or  
 6 guardians must be part of the plan.

7 (3) The fiscal impact of each component of the plan, if any. In  
 8 determining whether a component has a fiscal impact,  
 9 consideration shall be given to whether the component will  
 10 increase costs to the state or a school corporation or require the  
 11 state or school corporation to reallocate resources.

12 (b) For a charter school, as defined in IC 20-24-1-4, a plan may  
 13 include only the following:

14 (1) A method for making determinant evaluations of reading skills  
 15 by grade 3.

16 (2) Retention as a last resort for students reading below grade  
 17 level as measured by the evaluation or assessment.

18 (c) ~~This subsection applies to a public school that is not a charter~~  
 19 ~~school. A school corporation may receive a waiver of the requirements~~  
 20 ~~provided in 511 IAC 6.2-3.1-4(a)(2) if the state board approves an~~  
 21 ~~alternative reading plan provided by the school corporation.~~

22 SECTION 4. IC 20-35.5-2-1, AS ADDED BY P.L.95-2018,  
 23 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 24 JULY 1, 2020]: Sec. 1. (a) Subject to section 8 of this chapter, a school  
 25 corporation's and charter school's reading plan developed under ~~511~~  
 26 ~~IAC 6.2-3.1~~ **IC 20-32-8.5-1** shall include indicators to screen for risk  
 27 factors of dyslexia, using a screening tool approved by the department  
 28 that screens for characteristics of dyslexia.

29 (b) ~~Subject to 511 IAC 6.2-3.1~~, The mandatory universal screener  
 30 approved by the department under subsection (a) shall include  
 31 indicators for dyslexia and must be reported in the kindergarten  
 32 through grade 2 reading plan.

33 SECTION 5. IC 20-35.5-5-1, AS ADDED BY P.L.95-2018,  
 34 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 35 JULY 1, 2020]: Sec. 1. The superintendent of a school corporation and  
 36 an organizer of a charter school shall annually report, in accordance  
 37 with the reading plan developed under ~~511 IAC 6.2-3.1~~;  
 38 **IC 20-32-8.5-1**, to the department the number of students who were:

39 (1) administered an initial dyslexia screening under  
 40 IC 20-35.5-2-1 during the school year; and

41 (2) determined to be at risk, or at some risk, for dyslexia.

42 SECTION 6. [EFFECTIVE JULY 1, 2020] (a) **511 IAC 6.2-3.1 is**



1       **void. The publisher of the Indiana Administrative Code and**  
2       **Indiana Register shall remove this rule from the Indiana**  
3       **Administrative Code.**  
4       **(b) This SECTION expires January 1, 2021.**

