



February 11, 2015

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## HOUSE BILL No. 1486

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DIGEST OF HB 1486 (Updated February 10, 2015 6:11 pm - DI 84)

**Citations Affected:** IC 12-17.2; IC 20-19; IC 20-24.2; IC 20-28; IC 20-31; IC 20-32.

**Synopsis:** Education issues. Requires the state board of education (state board) to adopt voluntary prekindergarten standards that align with the kindergarten through grade 12 standards. Provides that records of the state board shall be kept by the state board. (Current law provides that the records are kept by the state superintendent of public instruction.) Provides that the state board oversees the operation of turnaround academies. Provides that the state board shall appoint an executive director of the state board. Provides that the state board may employ third party experts and consultants to assist the state board in carrying out the state board's functions. Provides that the state board is considered a state educational authority within the meaning of the Family Educational Rights and Privacy Act. Provides that the department of education (department) shall provide any data necessary to conduct an audit or evaluation of any federal or state supported program principally engaged in the provision of education. Provides that the state board may adopt rules relating to performance qualified schools. Provides that a model teacher evaluation plan developed by  
(Continued next page)

**Effective:** July 1, 2015.

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## Thompson

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January 14, 2015, read first time and referred to Committee on Education.  
February 2, 2015, reported — Do Pass.  
February 10, 2015, read second time, recommitted to Committee on Education.

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HB 1486—LS 7435/DI 116



## Digest Continued

the department must be approved by the state board. Authorizes the state board to establish academic standards in subject areas determined appropriate by the state board. Provides that the update of academic standards must be revised on a schedule determined by the state board. Makes changes to who may be appointed to the academic standards committee. Provides that the state board may obtain assistance from the legislative services agency with the approval of the legislative council or another entity to ensure the validity and reliability of the performance category or designation placements calculated by the department. Makes various changes to the administration of the ISTEP program. Makes various changes to provisions relating to the assessment of school performance. Requires the state board to require IREAD-3 as a statewide assessment to assess reading skills in grade 3.

**HB 1486—LS 7435/DI 116**



February 11, 2015

First Regular Session of the 119th General Assembly (2015)

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

## HOUSE BILL No. 1486

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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 12-17.2-7.2-6.5 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2015]: **Sec. 6.5. The state board of education**  
4 **shall adopt voluntary prekindergarten standards that align with**  
5 **the kindergarten through grade 12 standards adopted by the state**  
6 **board of education under IC 20-31-3. The early learning advisory**  
7 **committee shall recommend the prekindergarten standards to the**  
8 **state board of education for review. The state board of education**  
9 **may modify the early learning advisory committee's**  
10 **recommendations before adopting the standards. IC 20-19-4 and**  
11 **IC 20-31-3, other than IC 20-31-3-6 and IC 20-31-3-7, do not apply**  
12 **to this section.**

13 SECTION 2. IC 20-19-2-6, AS ADDED BY P.L.1-2005, SECTION  
14 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,

HB 1486—LS 7435/DI 116



1 2015]: Sec. 6. (a) The state board shall elect one (1) member to serve  
 2 as secretary. The secretary shall:

3 (1) maintain custody of the state board's records, papers, and  
 4 effects; and

5 (2) keep minutes of the state board's proceedings.

6 The records, papers, effects, and minutes of all meetings and actions of  
 7 the state board shall be kept at the office of the ~~state superintendent~~  
 8 **state board** and are public records.

9 (b) The state board shall adopt and use a seal that contains the  
 10 words "Indiana State Board of Education". A written description of the  
 11 seal shall be recorded in the minutes of the state board and filed in the  
 12 office of the secretary of state. The seal shall be used for the  
 13 authentication of the acts of the state board and the important acts of  
 14 the department.

15 SECTION 3. IC 20-19-2-14, AS AMENDED BY P.L.286-2013,  
 16 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 17 JULY 1, 2015]: Sec. 14. (a) The state board shall do the following:

18 (1) Establish the educational goals of the state, developing  
 19 standards and objectives for local school corporations.

20 (2) Assess the attainment of the established goals.

21 (3) Assure compliance with established standards and objectives.

22 (4) Coordinate with the commission for higher education  
 23 (IC 21-18-1) and the department of workforce development  
 24 (IC 22-4.1-2) to develop entrepreneurship education programs for  
 25 elementary and secondary education, higher education, and  
 26 individuals in the work force.

27 (5) Make recommendations to the governor and general assembly  
 28 concerning the educational needs of the state, including financial  
 29 needs.

30 (6) Provide for reviews to ensure the validity and reliability of the  
 31 ISTEP program.

32 (7) **Oversee the operation of turnaround academies**  
 33 **established by IC 20-31-9.5.**

34 (b) **The state board shall appoint an executive director of the**  
 35 **state board. The executive director serves at the pleasure of the**  
 36 **state board and is entitled to receive compensation in an amount**  
 37 **set by the state board. The executive director may hire the**  
 38 **personnel necessary to perform the duties of the state board under**  
 39 **this title.**

40 (c) **The state board may employ third party experts and**  
 41 **consultants to assist the state board in the carrying out the state**  
 42 **board's functions.**



1           **(d) The state board is considered a state educational authority**  
 2 **within the meaning of the Family Educational Rights and Privacy**  
 3 **Act (20 U.S.C. 1232g and 34 CFR Part 99).**

4           SECTION 4. IC 20-19-3-4, AS ADDED BY P.L.242-2005,  
 5 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6 JULY 1, 2015]: Sec. 4. (a) The department shall:

- 7           (1) perform the duties required by statute;  
 8           (2) implement the policies and procedures established by the state  
 9           board;  
 10           (3) conduct analytical research to assist the state board in  
 11           determining the state's educational policy;  
 12           (4) compile statistics concerning the ethnicity, gender, and  
 13           disability status of students in Indiana schools, including statistics  
 14           for all information that the department receives from school  
 15           corporations on enrollment, number of suspensions, and number  
 16           of expulsions; and  
 17           (5) provide technical assistance to school corporations.

18           (b) In compiling statistics by gender, ethnicity, and disability status  
 19           under subsection (a)(4), the department shall also categorize  
 20           suspensions and expulsions by cause as follows:

- 21           (1) Alcohol.  
 22           (2) Drugs.  
 23           (3) Deadly weapons (other than firearms).  
 24           (4) Handguns.  
 25           (5) Rifles or shotguns.  
 26           (6) Other firearms.  
 27           (7) Tobacco.  
 28           (8) Attendance.  
 29           (9) Destruction of property.  
 30           (10) Legal settlement (under IC 20-33-8-17).  
 31           (11) Fighting (incident does not rise to the level of battery).  
 32           (12) Battery (IC 35-42-2-1).  
 33           (13) Intimidation (IC 35-45-2-1).  
 34           (14) Verbal aggression or profanity.  
 35           (15) Defiance.  
 36           (16) Other.

37           **(c) The department shall provide any data necessary to conduct**  
 38 **an audit or evaluation of any federal or state supported program**  
 39 **principally engaged in the provision of education, including, but**  
 40 **not limited to:**

- 41           **(1) early childhood education;**  
 42           **(2) elementary and secondary education;**



- 1           **(3) postsecondary education;**  
 2           **(4) special education;**  
 3           **(5) job training;**  
 4           **(6) career and technical education; and**  
 5           **(7) adult education;**

6           **or for the enforcement of or compliance with federal legal**  
 7           **requirements related to those education programs as determined**  
 8           **by the state board. The state board is considered a state**  
 9           **educational authority within the meaning of the Family**  
 10           **Educational Rights and Privacy Act (20 U.S.C. 1232g and 34 CFR**  
 11           **Part 99).**

12           ~~(e)~~ **(d)** The department shall develop guidelines necessary to  
 13           implement this section.

14           SECTION 5. IC 20-24.2-5-1, AS ADDED BY P.L.201-2013,  
 15           SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 16           JULY 1, 2015]: Sec. 1. The state board ~~shall~~ **may** adopt rules under  
 17           IC 4-22-2 to implement this article.

18           SECTION 6. IC 20-28-11.5-4, AS ADDED BY P.L.90-2011,  
 19           SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 20           JULY 1, 2015]: Sec. 4. (a) Each school corporation shall develop a  
 21           plan for annual performance evaluations for each certificated employee  
 22           (as defined in IC 20-29-2-4). A school corporation shall implement the  
 23           plan beginning with the 2012-2013 school year.

24           (b) Instead of developing its own staff performance evaluation plan  
 25           under subsection (a), a school corporation may adopt a staff  
 26           performance evaluation plan that meets the requirements set forth in  
 27           this chapter or any of the following models:

28           (1) A plan using master teachers or contracting with an outside  
 29           vendor to provide master teachers.

30           **(2) The model staff performance evaluation system approved**  
 31           **by the state board under section 8 of this chapter.**

32           ~~(2)~~ **(3)** The System for Teacher and Student Advancement (TAP).

33           ~~(3)~~ **(4)** The Peer Assistance and Review Teacher Evaluation  
 34           System (PAR).

35           (c) A plan must include the following components:

36           (1) Performance evaluations for all certificated employees,  
 37           conducted at least annually.

38           (2) Objective measures of student achievement and growth to  
 39           significantly inform the evaluation **in a manner prescribed by**  
 40           **the state board that sets a minimum and maximum threshold**  
 41           **for the use of objective measures of student achievement and**  
 42           **growth in all staff performance evaluation plans.** The objective



- 1 measures must include:
- 2 (A) student assessment results from statewide assessments for
- 3 certificated employees whose responsibilities include
- 4 instruction in subjects measured in statewide assessments;
- 5 (B) methods for assessing student growth for certificated
- 6 employees who do not teach in areas measured by statewide
- 7 assessments; and
- 8 (C) student assessment results from locally developed
- 9 assessments and other test measures for certificated employees
- 10 whose responsibilities may or may not include instruction in
- 11 subjects and areas measured by statewide assessments.
- 12 (3) Rigorous measures of effectiveness, including observations
- 13 and other performance indicators.
- 14 (4) An annual designation of each certificated employee in one
- 15 (1) of the following rating categories:
- 16 (A) Highly effective.
- 17 (B) Effective.
- 18 (C) Improvement necessary.
- 19 (D) Ineffective.
- 20 (5) An explanation of the evaluator's recommendations for
- 21 improvement, and the time in which improvement is expected.
- 22 (6) A provision that a teacher who negatively affects student
- 23 achievement and growth cannot receive a rating of highly
- 24 effective or effective.
- 25 (d) The evaluator shall discuss the evaluation with the certificated
- 26 employee.
- 27 SECTION 7. IC 20-28-11.5-8, AS AMENDED BY P.L.160-2012,
- 28 SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 29 JULY 1, 2015]: Sec. 8. (a) To implement this chapter, the state board
- 30 shall do the following:
- 31 (1) ~~Before January 31, 2012;~~ Adopt rules under IC 4-22-2 that
- 32 establish:
- 33 (A) the criteria that define each of the four categories of
- 34 teacher ratings under section 4(c)(4) of this chapter;
- 35 (B) the measures to be used to determine student academic
- 36 achievement and growth under section 4(c)(2) of this chapter;
- 37 (C) standards that define actions that constitute a negative
- 38 impact on student achievement; and
- 39 (D) an acceptable standard for training evaluators.
- 40 (2) Before January 31, 2012, work with the department to develop
- 41 a model plan and release it to school corporations. Subsequent
- 42 versions of the model plan that contain substantive changes must



- 1           **be approved in advance by the state board and provided by the**  
 2           **department** to school corporations.
- 3           (3) Work with the department to ensure the availability of  
 4           ongoing training on the use of the performance evaluation to  
 5           ensure that all evaluators and certificated employees have access  
 6           to information on the plan, the plan's implementation, and this  
 7           chapter.
- 8           **(4) Work with the department to ensure that all locally**  
 9           **developed staff performance evaluation plans are monitored**  
 10           **at least annually to ensure compliance with the criteria**  
 11           **established in this chapter.**
- 12           (b) A school corporation may adopt the ~~department's~~ model plan or  
 13           any other ~~model~~ plan approved by the ~~department, without the state~~  
 14           ~~board's approval:~~ **the state board.**
- 15           (c) A school corporation may substantially modify the model plan  
 16           or develop the school corporation's own plan, if the substantially  
 17           modified or developed plan meets the criteria established under this  
 18           chapter. If a school corporation substantially modifies the model plan  
 19           or develops its own plan, the department ~~may~~ **shall** request that the  
 20           school corporation submit the plan to the department to ensure the plan  
 21           meets the criteria developed under this chapter. ~~If the department~~  
 22           ~~makes such a request,~~ Before submitting a substantially modified or  
 23           new staff performance evaluation plan to the department, the governing  
 24           body shall submit the staff performance evaluation plan to the teachers  
 25           employed by the school corporation for a vote. If at least seventy-five  
 26           percent (75%) of the voting teachers vote in favor of adopting the staff  
 27           performance evaluation plan, the governing body may submit the staff  
 28           performance evaluation plan to the department.
- 29           (d) Each school corporation shall submit its staff performance  
 30           evaluation plan to the department. The department shall publish the  
 31           staff performance evaluation plans on the department's Internet web  
 32           site. A school corporation must submit its staff performance evaluation  
 33           plan to the department for approval in order to qualify for any grant  
 34           funding related to this chapter.
- 35           SECTION 8. IC 20-31-3-1, AS ADDED BY P.L.1-2005, SECTION  
 36           15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
 37           2015]: Sec. 1. The state board shall adopt clear, concise, and jargon  
 38           free state academic standards that are comparable to national and  
 39           international academic standards. These academic standards must be  
 40           adopted for each grade level from kindergarten through grade 12 for  
 41           the following subjects:  
 42           (1) English/language arts.





- 1 (2) Mathematics.  
 2 (3) Social studies.  
 3 (4) Science.  
 4 **(5) Other subject areas as determined by the state board.**  
 5 For grade levels tested under the ISTEP program, the academic  
 6 standards must be based in part on the results of the ISTEP program.  
 7 SECTION 9. IC 20-31-3-2, AS ADDED BY P.L.1-2005, SECTION  
 8 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
 9 2015]: Sec. 2. The department shall develop academic standards for the  
 10 following subject areas for each grade level from kindergarten through  
 11 grade 12:  
 12 (1) English/language arts.  
 13 (2) Mathematics.  
 14 (3) Social studies.  
 15 (4) Science.  
 16 (5) Other subject areas as determined by the ~~department~~ **state**  
 17 **board.**  
 18 SECTION 10. IC 20-31-3-3, AS AMENDED BY P.L.73-2011,  
 19 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 20 JULY 1, 2015]: Sec. 3. **(a)** The department shall revise and update  
 21 academic standards:  
 22 (1) for each grade level from kindergarten through grade 12; and  
 23 (2) in each subject area listed in section 2 of this chapter;  
 24 at least once every six (6) years. This revision must occur on a cyclical  
 25 basis **on a schedule determined by the state board.**  
 26 **(b) The department shall submit revisions and updates under**  
 27 **this chapter to the state board for approval.**  
 28 SECTION 11. IC 20-31-3-4, AS AMENDED BY P.L.286-2013,  
 29 SECTION 100, IS AMENDED TO READ AS FOLLOWS  
 30 [EFFECTIVE JULY 1, 2015]: Sec. 4. The state superintendent shall  
 31 appoint an academic standards committee composed of subject area  
 32 teachers, **higher education representatives with subject matter**  
 33 **expertise, industry representatives,** and parents during the period  
 34 when a subject area is undergoing revision.  
 35 SECTION 12. IC 20-31-8-2.5 IS ADDED TO THE INDIANA  
 36 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 37 [EFFECTIVE JULY 1, 2015]: **Sec. 2.5. (a) The state board shall**  
 38 **approve, and the department shall implement, a mandatory**  
 39 **statewide assessment administered in grade 3 that serves as a**  
 40 **determinant evaluation of reading skills in grade 3.**  
 41 **(b) The assessment under subsection (a) shall be referred to as**  
 42 **IREAD-3.**



1 SECTION 13. IC 20-31-8-3, AS AMENDED BY P.L.286-2013,  
 2 SECTION 103, IS AMENDED TO READ AS FOLLOWS  
 3 [EFFECTIVE JULY 1, 2015]: Sec. 3. The state board shall establish a  
 4 number of categories, using an "A" through "F" grading scale, to  
 5 designate performance based on ~~the individual~~ student academic  
 6 performance and growth to proficiency in each school.

7 SECTION 14. IC 20-31-8-4, AS AMENDED BY P.L.286-2013,  
 8 SECTION 104, IS AMENDED TO READ AS FOLLOWS  
 9 [EFFECTIVE JULY 1, 2015]: Sec. 4. (a) The state board shall place  
 10 each school in a category or designation of school performance **once**  
 11 **annually** based on the department's findings from the assessment of  
 12 performance and academic growth under section 2 of this chapter.

13 **(b) The state board may approve the department's findings only**  
 14 **if:**

15 **(1) schools have been provided the opportunity to review and**  
 16 **appeal the data; and**

17 **(2) the state board's authorized representatives have had an**  
 18 **opportunity to review and analyze the data.**

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

27 SECTION 15. IC 20-31-8-5.4, AS ADDED BY P.L.2-2014,  
 28 SECTION 88, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29 JULY 1, 2015]: Sec. 5.4. (a) ~~Not later than November 15, 2013, the~~  
 30 ~~state board shall establish new categories or designations of school~~  
 31 ~~performance under the requirements of this chapter to replace 511~~  
 32 ~~IAC 6.2-6. The new standards of assessing school performance~~

33 ~~(1) must be based on a statistically valid and reliable~~  
 34 ~~measurement of individual student academic performance and~~  
 35 ~~growth to proficiency. and~~

36 ~~(2) may not be based on a measurement of student performance~~  
 37 ~~or growth compared with peers.~~

38 511 IAC 6.2-6 is void on the effective date of the emergency or final  
 39 rules adopted under this section.

40 (b) After July 1, 2013, the state board:

41 (1) shall adopt rules under IC 4-22-2; and

42 (2) may adopt emergency rules in the manner provided in



- 1 IC 4-22-2-37.1;  
 2 to implement this chapter.  
 3 (c) An emergency rule adopted under subsection (b) expires on the  
 4 earlier of:  
 5 (1) ~~November 15, 2014~~; **December 15, 2017**; or  
 6 (2) the effective date of a rule that establishes categories or  
 7 designations of school improvement described in this section and  
 8 supersedes the emergency rule.  
 9 (d) Before beginning the rulemaking process to establish new  
 10 categories or designations of school improvement, the state board shall  
 11 report to the general assembly the proposed new categories or  
 12 designations in an electronic format under IC 5-14-6.  
 13 SECTION 16. IC 20-32-5-4, AS ADDED BY P.L.1-2005,  
 14 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 15 JULY 1, 2015]: Sec. 4. (a) The state board shall:  
 16 (1) authorize the development and implementation of the ISTEP  
 17 program **and any other statewide testing program, including:**  
 18 **(A) establishing criteria for requests for proposals;**  
 19 **(B) establishing criteria for membership of evaluation**  
 20 **teams; and**  
 21 **(C) establishing criteria for content and format of the**  
 22 **ISTEP program, including the graduation examination;**  
 23 **(2) authorize the development and establishment of passing**  
 24 **scores; and**  
 25 ~~(2)~~ **(3) determine the date on which the statewide testing is**  
 26 **administered in each school corporation.**  
 27 (b) The state superintendent is responsible for the overall  
 28 development, implementation, and monitoring of the ISTEP program.  
 29 (c) The department shall prepare detailed design specifications for  
 30 the ISTEP program that must do the following:  
 31 (1) Take into account the academic standards adopted under  
 32 IC 20-31-3.  
 33 (2) Include testing of students' higher level cognitive thinking in  
 34 each subject area tested.  
 35 **(d) The passing scores required at the various grade levels**  
 36 **tested under the ISTEP program as well as any other testing**  
 37 **program adopted by the state board must:**  
 38 **(1) be determined by statistically valid and reliable methods**  
 39 **as determined by independent experts selected by the state**  
 40 **board; and**  
 41 **(2) meet rigorous college and career readiness criteria**  
 42 **recommended by the department of workforce development,**



1           **the commission for higher education, and the department, as**  
2           **approved by the state board.**  
3           SECTION 17. IC 20-32-5-15, AS AMENDED BY P.L.229-2011,  
4           SECTION 191, IS AMENDED TO READ AS FOLLOWS  
5           [EFFECTIVE JULY 1, 2015]: Sec. 15. (a) The state superintendent  
6           shall develop an ISTEP program testing schedule in which:  
7                 (1) each student in grades 3, 4, 5, 6, 7, 8, 9, and 10 must be tested;  
8                 and  
9                 (2) each student in grade 10 or grade 11 must take a graduation  
10            examination.  
11           (b) The state board shall adopt rules to establish when a student is  
12            considered to be in grade 10 for purposes of initially taking the  
13            graduation examination.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1486, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1486 as introduced.)

BEHNING

Committee Vote: Yeas 9, Nays 4

