



January 31, 2020

SENATE BILL No. 346

DIGEST OF SB 346 (Updated January 29, 2020 5:47 pm - DI 110)

Citations Affected: IC 20-19; IC 20-32.

Synopsis: Students with disabilities. Establishes the Indiana technical advisory committee and requirements regarding the committee. Requires, to the extent permitted under federal law, the department of education (department) to provide the same text-to-speech, screen reader, or human reader accommodations to a particular student on every section of the statewide assessment program as provided as part of the student's individualized education program (IEP), service plan, choice scholarship education plan, or plan developed under Section 504 of the federal Rehabilitation Act. Prohibits the department from issuing certain guidance or recommendations to a school corporation or school regarding an individualized education program (IEP), service plan, choice scholarship education plan, or plan developed under Section 504 of the federal Rehabilitation Act.

Effective: July 1, 2020.

Houchin, Rogers, Stoops

January 13, 2020, read first time and referred to Committee on Education and Career Development.
January 30, 2020, amended, reported favorably — Do Pass.

SB 346—LS 7048/DI 110



January 31, 2020

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 BILL No. 346

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 20-19-2-23 IS ADDED TO THE INDIANA CODE
2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2020]: **Sec. 23. (a) As used in this section, "committee" means the**
4 **Indiana technical advisory committee established by subsection (b).**
5 **(b) The Indiana technical advisory committee is established.**
6 **(c) Subject to subsection (d), the committee consists of six (6)**
7 **members appointed as follows:**
8 **(1) One (1) member who is appointed by the governor.**
9 **(2) One (1) member who is appointed by the president pro**
10 **tempore of the senate.**
11 **(3) One (1) member who is appointed by the minority leader**
12 **of the senate.**
13 **(4) One (1) member who is appointed by the speaker of the**
14 **house of representatives.**
15 **(5) One (1) member who is appointed by the minority leader**
16 **of the house of representatives.**
17 **(6) One (1) member who is appointed by the state board.**

SB 346—LS 7048/DI 110



1 (d) To be appointed under subsection (c), an individual must
2 have a diverse skill set, significant experience, and nationally
3 recognized expertise regarding assessments, including one (1) or
4 more of the following areas of expertise:

- 5 (1) Operational large scale assessment.
6 (2) Scaling and equating.
7 (3) Test design and form construction.
8 (4) Data forensics.
9 (5) Special populations, including English language learners
10 and students with disabilities.
11 (6) Standard setting.
12 (7) Federal accountability requirements.
13 (8) Student growth models.
14 (9) State education policy.
15 (10) Interim testing and formative assessments.
16 (11) Learning and instructional practices.
17 (12) Diagnostic models.
18 (13) Expertise in testing accommodations for students with
19 disabilities.

20 At least one (1) member of the committee must have the expertise
21 listed in subdivision (13).

22 (e) To serve as a member of the committee, an individual
23 appointed under subsection (c) must enter into an agreement with
24 the state board regarding the following:

- 25 (1) The duties of the individual as described under subsection
26 (f) and any other duties established by the state board.
27 (2) The individual's compensation under the agreement.

28 An agreement entered into under this subsection must be for one
29 (1) year from the date the member is appointed to the committee.

30 (f) The term of a member of the committee is one (1) year from
31 the date that the member is appointed. If:

- 32 (1) a vacancy occurs on the committee; or
33 (2) an individual appointed under subsection (c) fails to enter
34 into an agreement with the state board under subsection (e);
35 the appointing authority that appointed the member whose
36 position is vacant or an individual who failed to enter into an
37 agreement shall appoint another individual to fill the vacancy.

38 (g) The committee shall:

- 39 (1) advise the state board and department regarding matters
40 related to:
41 (A) psychometrics;
42 (B) best testing practices;



- 1 **(C) compliance with federal laws and regulations**
 2 **concerning testing accommodations for students with**
 3 **disabilities; and**
 4 **(D) other issues involving standardized assessments; and**
 5 **(2) prepare and submit reports to the state board upon**
 6 **request by the state board.**
 7 **(h) If the state board requests that the committee prepare and**
 8 **submit a report, a member of the committee may submit:**
 9 **(1) an individual report; or**
 10 **(2) a joint report with other members.**
 11 **A member of the committee may submit a report dissenting with**
 12 **a member or members of the committee who have filed a report.**
 13 **(i) The committee shall meet upon request by the state board**
 14 **but not more than four (4) times each year.**
 15 **(j) The state board shall provide administrative support to the**
 16 **committee.**
 17 SECTION 2. IC 20-32-5.1-18.5, AS ADDED BY P.L.287-2019,
 18 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2020]: Sec. 18.5. (a) The department shall, ~~make every~~
 20 ~~reasonable attempt to~~ **the extent permitted under federal law,**
 21 provide the same ~~voice-to-text, text-to-speech,~~ screen reader, or human
 22 reader accommodations to a particular student on every section of the
 23 statewide assessment program as provided as part of the student's:
 24 (1) individualized education program;
 25 (2) service plan developed under 511 IAC 7-34; ~~or~~
 26 (3) choice scholarship education plan developed under 511
 27 IAC 7-49; ~~or~~
 28 **(4) plan developed under Section 504 of the federal**
 29 **Rehabilitation Act, 29 U.S.C. 794.**
 30 **(b) The department may not issue guidance or**
 31 **recommendations to a school corporation or school that attempts**
 32 **to affect in any manner based on statewide assessment**
 33 **accommodations which instructional methods are included or**
 34 **excluded from a program or plan described in subsection (a).**
 35 ~~(b)~~ **(c) This subsection expires January 1, 2020. The state board**
 36 **shall provide a report to the legislative council in an electronic format**
 37 **under IC 5-14-6, explaining in detail the extent that:**
 38 (1) individualized education programs;
 39 (2) service plans developed under 511 IAC 7-34; or
 40 (3) choice scholarship education plans developed under 511
 41 IAC 7-49
 42 were altered to align to the statewide assessment program.



COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill No. 346, 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, delete lines 1 through 5, begin a new paragraph and insert:

"SECTION 1. IC 20-19-2-23 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 23. (a) As used in this section, "committee" means the Indiana technical advisory committee established by subsection (b).**

(b) The Indiana technical advisory committee is established.

(c) Subject to subsection (d), the committee consists of six (6) members appointed as follows:

- (1) One (1) member who is appointed by the governor.**
- (2) One (1) member who is appointed by the president pro tempore of the senate.**
- (3) One (1) member who is appointed by the minority leader of the senate.**
- (4) One (1) member who is appointed by the speaker of the house of representatives.**
- (5) One (1) member who is appointed by the minority leader of the house of representatives.**
- (6) One (1) member who is appointed by the state board.**

(d) To be appointed under subsection (c), an individual must have a diverse skill set, significant experience, and nationally recognized expertise regarding assessments, including one (1) or more of the following areas of expertise:

- (1) Operational large scale assessment.**
- (2) Scaling and equating.**
- (3) Test design and form construction.**
- (4) Data forensics.**
- (5) Special populations, including English language learners and students with disabilities.**
- (6) Standard setting.**
- (7) Federal accountability requirements.**
- (8) Student growth models.**
- (9) State education policy.**
- (10) Interim testing and formative assessments.**
- (11) Learning and instructional practices.**
- (12) Diagnostic models.**
- (13) Expertise in testing accommodations for students with**



disabilities.

At least one (1) member of the committee must have the expertise listed in subdivision (13).

(e) To serve as a member of the committee, an individual appointed under subsection (c) must enter into an agreement with the state board regarding the following:

- (1) The duties of the individual as described under subsection (f) and any other duties established by the state board.**
- (2) The individual's compensation under the agreement.**

An agreement entered into under this subsection must be for one (1) year from the date the member is appointed to the committee.

(f) The term of a member of the committee is one (1) year from the date that the member is appointed. If:

- (1) a vacancy occurs on the committee; or**
- (2) an individual appointed under subsection (c) fails to enter into an agreement with the state board under subsection (e);**

the appointing authority that appointed the member whose position is vacant or an individual who failed to enter into an agreement shall appoint another individual to fill the vacancy.

(g) The committee shall:

- (1) advise the state board and department regarding matters related to:**

- (A) psychometrics;**
- (B) best testing practices;**
- (C) compliance with federal laws and regulations concerning testing accommodations for students with disabilities; and**
- (D) other issues involving standardized assessments; and**

- (2) prepare and submit reports to the state board upon request by the state board.**

(h) If the state board requests that the committee prepare and submit a report, a member of the committee may submit:

- (1) an individual report; or**
- (2) a joint report with other members.**

A member of the committee may submit a report dissenting with a member or members of the committee who have filed a report.

(i) The committee shall meet upon request by the state board but not more than four (4) times each year.

(j) The state board shall provide administrative support to the committee."

Page 1, line 14, strike "or".

Page 1, line 16, delete "7-49." and insert "7-49; or



(4) plan developed under Section 504 of the federal Rehabilitation Act, 29 U.S.C. 794."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 346 as introduced.)

RAATZ, Chairperson

Committee Vote: Yeas 10, Nays 0.

