



Reprinted  
February 28, 2020

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## ENGROSSED SENATE BILL No. 346

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DIGEST OF SB 346 (Updated February 27, 2020 3:14 pm - DI 116)

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

**Synopsis:** Students with disabilities. Provides that the department of education (department) must submit any guidance or recommendation to a school corporation or school that attempts to affect in any manner based on statewide assessment accommodations which instructional methods are included or excluded from the student's special education plan or program to the state board of education (state board) for approval. Provides that the department shall, to the extent permitted under federal law, provide the same text-to-speech, screen reader, or human reader and calculator accommodations to a student in grades 6 through 12 on every section of the statewide assessment program if that accommodation is provided as part of the student's special education plan or program. Provides that the state board, in consultation with The Arc of Indiana and Indiana Council of Administrators of Special  
(Continued next page)

**Effective:** Upon passage; July 1, 2020.

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**Houchin, Rogers, Kruse, Stoops,  
Freeman, Randolph Lonnie M,  
Bohacek, Messmer, Brown L, Raatz**  
(HOUSE SPONSORS — BEHNING, BURTON, CLERE, DELANEY)

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January 13, 2020, read first time and referred to Committee on Education and Career Development.

January 30, 2020, amended, reported favorably — Do Pass.

February 3, 2020, read second time, amended, ordered engrossed.

February 4, 2020, engrossed. Read third time, passed. Yeas 49, nays 0.

HOUSE ACTION

February 11, 2020, read first time and referred to Committee on Education.

February 25, 2020, amended, reported — Do Pass.

February 27, 2020, read second time, amended, ordered engrossed.

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ES 346—LS 7048/DI 110



## Digest Continued

Education (ICASE), shall consult with one (1) or more individuals who specialize in special education as part of the state board's oversight of the development and implementation of the Indiana's Learning Evaluation Assessment Readiness Network (ILEARN). Provides that a student's score on the statewide assessment may not be the primary factor or measure used to determine whether a student is eligible for a particular course or program. Establishes the Indiana standards and assessment accommodation task force to review: (1) the accommodations provided for by Indiana's statewide assessment to determine if appropriate accommodations are available to accurately measure a student's learning; and (2) the possibility of separating the academic standard of reading comprehension into a separate reading academic standard and a comprehension academic standard. Provides that the department in consultation with The Arc of Indiana and Indiana Council of Administrators of Special Education (ICASE), shall develop a notice to parents of a child with a disability that has a voice to text accommodation that explains changes being made to the statewide assessment that may pertain to the child. Requires that, on or before February 1, 2021, each public school, including a charter school or accredited nonpublic school, shall provide the notice to the parent during an in-person meeting or telephone call where the educational progress of the child with a disability is discussed. Provides that the parent's right to have the student opt out of any applicable section of the statewide assessment must be discussed and eligibility determined during the meeting or phone call. Provides that at least one member of the state board shall be a licensed special education teacher or special education director.

**ES 346—LS 7048/DI 110**



Reprinted  
February 28, 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.

## ENGROSSED SENATE BILL No. 346

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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 20-19-2-2.2, AS AMENDED BY THE  
2 TECHNICAL CORRECTIONS BILL OF THE 2020 GENERAL  
3 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 UPON PASSAGE]: Sec. 2.2. (a) Beginning June 1, 2015, the state  
5 board consists of the following members:  
6 (1) The state superintendent.  
7 (2) Eight (8) members appointed by the governor. The following  
8 provisions apply to members of the state board appointed under  
9 this subdivision:  
10 (A) At least six (6) members appointed under this subdivision  
11 must have professional experience in the field of education as  
12 provided in subsection (b).  
13 (B) Members shall be appointed from different parts of  
14 Indiana with not more than one (1) member being appointed  
15 from a particular congressional district.  
16 (C) Not more than five (5) members of the state board may be  
17 appointed from the membership of any one (1) political party.

ES 346—LS 7048/DI 110



- 1                   **(D) Subject to subsection (h), at least one (1) member shall**  
 2                   **be a licensed special education teacher or special education**  
 3                   **director.**
- 4                   (3) One (1) member, who is not a member of the general  
 5                   assembly, appointed by the speaker of the house of  
 6                   representatives.
- 7                   (4) One (1) member, who is not a member of the general  
 8                   assembly, appointed by the president pro tempore of the senate.
- 9                   (b) For purposes of subsection (a), an individual is considered to  
 10                  have professional experience in the field of education if the individual  
 11                  has teaching or leadership experience at a postsecondary educational  
 12                  institution or is currently employed as, or is retired from a position as:  
 13                  (1) a teacher;  
 14                  (2) a principal;  
 15                  (3) an assistant superintendent; or  
 16                  (4) a superintendent.
- 17                  (c) A quorum consists of six (6) members of the state board. An  
 18                  action of the state board is not official unless the action is authorized  
 19                  by at least six (6) members.
- 20                  (d) ~~Subject to subsection (e)~~, The members of the state board shall  
 21                  elect a chairperson and vice chairperson annually from the members of  
 22                  the state board. The vice chairperson shall act as chairperson in the  
 23                  absence of the chairperson.
- 24                  (e) ~~Notwithstanding subsection (d), the state superintendent shall~~  
 25                  ~~serve as the chairperson of the state board until a chairperson is elected~~  
 26                  ~~under subsection (d) at the first meeting of the state board after~~  
 27                  ~~December 31, 2016, which shall be held not later than January 15,~~  
 28                  ~~2017. A vice chairperson shall be elected at the first meeting of the~~  
 29                  ~~state board after June 30, 2015, which shall be held not later than~~  
 30                  ~~August 1, 2015. This subsection expires July 1, 2018.~~
- 31                  ~~(f)~~ (e) Except as otherwise provided in subsection ~~(g)~~; (f), each  
 32                  member appointed under subsection (a)(2) through (a)(4) serves a four  
 33                  (4) year term. The term begins on July 1.
- 34                  ~~(g)~~ (f) A member appointed under subsection (a)(2) through (a)(4)  
 35                  may be removed from the state board by the member's appointing  
 36                  authority for just cause. Vacancies in the appointments to the state  
 37                  board shall be filled by the appointing authority. A member appointed  
 38                  under this subsection serves for the remainder of the unexpired term.
- 39                  ~~(h)~~ (g) The state board shall meet at a minimum at least one (1) time  
 40                  each month. The state board shall establish the date of the next monthly  
 41                  meeting during the monthly meeting of the state board. In addition to  
 42                  the monthly meeting required under this subsection, the state board



1 shall meet at the call of the chairperson.

2 **(h) This subsection expires July 1, 2024. The governor shall**  
 3 **appoint a member who has the qualifications described in**  
 4 **subsection (a)(2)(D) for the first appointment made by the**  
 5 **governor to fill a vacancy on the state board after March 31, 2020.**

6 SECTION 2. IC 20-19-9.1 IS ADDED TO THE INDIANA CODE  
 7 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
 8 UPON PASSAGE]:

9 **Chapter 9.1. Indiana Standards and Assessment**  
 10 **Accommodation Task Force**

11 **Sec. 1. As used in this chapter, "task force" refers to the Indiana**  
 12 **standards and assessment accommodation task force established**  
 13 **by section 2 of this chapter.**

14 **Sec. 2. (a) The Indiana standards and assessment**  
 15 **accommodation task force is established. The task force shall**  
 16 **review:**

17 **(1) the accommodations provided for by Indiana's statewide**  
 18 **assessment to determine if appropriate accommodations are**  
 19 **available to accurately measure a student's learning; and**

20 **(2) Indiana's English and language arts academic standards**  
 21 **to explore the possibility of separating the academic standard**  
 22 **of reading comprehension into a separate reading academic**  
 23 **standard and a comprehension academic standard.**

24 **On or before November 1, 2020, the task force shall issue a final**  
 25 **report and shall make recommendations to the general assembly**  
 26 **in an electronic format under IC 5-14-6.**

27 **(b) The task force consists of fourteen (14) members as follows:**

28 **(1) One (1) member of the majority party of the house of**  
 29 **representatives appointed by the speaker of the house of**  
 30 **representatives.**

31 **(2) One (1) member of the majority party of the senate**  
 32 **appointed by the president pro tempore of the senate.**

33 **(3) One (1) member of the minority party of the house of**  
 34 **representatives appointed by the speaker of the house of**  
 35 **representatives in consultation with the minority floor leader**  
 36 **of the house of representatives.**

37 **(4) One (1) member of the minority party of the senate**  
 38 **appointed by the president pro tempore of the senate in**  
 39 **consultation with the minority floor leader of the senate.**

40 **(5) The member of the state board described in**  
 41 **IC 20-19-2-2.2(a)(3).**

42 **(6) The member of the state board described in**



- 1           **IC 20-19-2-2.2(a)(4).**  
 2           **(7) One (1) member representing The Arc of Indiana**  
 3           **appointed by The Arc of Indiana.**  
 4           **(8) One (1) member who is an assessment expert with**  
 5           **experience in special education assessments appointed by The**  
 6           **Arc of Indiana.**  
 7           **(9) One (1) member representing Decoding Dyslexia Indiana**  
 8           **appointed by Decoding Dyslexia Indiana.**  
 9           **(10) One (1) member who is a special education administrator**  
 10           **appointed by the Indiana Council of Administrators of Special**  
 11           **Education (ICASE).**  
 12           **(11) One (1) member who is a special education teacher**  
 13           **jointly appointed by the co-chairs of the task force.**  
 14           **(12) One (1) member who is an assessment expert appointed**  
 15           **by the state board.**  
 16           **(13) The department's director of curriculum and instruction.**  
 17           **(14) One (1) member representing the department's office of**  
 18           **student assessment appointed by the department.**  
 19           **(c) The members described in subsection (b)(1) and (b)(2) shall**  
 20           **serve as co-chairpersons for the task force. The task force shall**  
 21           **meet at the call of the co-chairpersons.**  
 22           **(d) A quorum consists of the majority of the members of the**  
 23           **task force.**  
 24           **(e) The affirmative votes of a majority of the members of the**  
 25           **task force are required for the task force to take action on any**  
 26           **measure.**  
 27           **Sec. 3. (a) A member of the task force who is not a state**  
 28           **employee is entitled to the minimum salary per diem provided by**  
 29           **IC 4-10-11-2.1(b). The member is also entitled to reimbursement**  
 30           **for traveling expenses as provided under IC 4-13-1-4 and other**  
 31           **expenses actually incurred in connection with the member's duties**  
 32           **as provided in the state policies and procedures established by the**  
 33           **Indiana department of administration and approved by the budget**  
 34           **agency.**  
 35           **(b) A member of the task force who is a state employee but who**  
 36           **is not a member of the general assembly is entitled to**  
 37           **reimbursement for traveling expenses as provided under**  
 38           **IC 4-13-1-4 and other expenses actually incurred in connection**  
 39           **with the member's duties as provided in the state policies and**  
 40           **procedures established by the Indiana department of**  
 41           **administration and approved by the budget agency.**  
 42           **(c) A member of the task force who is a member of the general**



1 assembly is entitled to receive the same per diem, mileage, and  
 2 travel allowances paid to legislative members of interim study  
 3 committees established by the legislative council. Per diem,  
 4 mileage, and travel allowances paid under this subsection shall be  
 5 paid from current appropriations made to the legislative council or  
 6 the legislative services agency.

7 **Sec. 4. The legislative services agency shall staff the task force.**

8 **Sec. 5. This chapter expires July 1, 2021.**

9 SECTION 3. IC 20-32-5.1-6, AS ADDED BY P.L.242-2017,  
 10 SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 11 JULY 1, 2020]: Sec. 6. (a) The state board shall:

12 (1) authorize and oversee the department's development and  
 13 implementation of the Indiana's Learning Evaluation Assessment  
 14 Readiness Network (ILEARN) program, including:

15 (A) establishment of criteria for requests for proposals for  
 16 statewide assessments developed or authorized under this  
 17 chapter;

18 (B) establishment of criteria for membership of evaluation  
 19 teams; and

20 (C) establishment of criteria for content and format of the  
 21 statewide assessment; and

22 (2) require the department to conduct ongoing analysis of whether  
 23 the statewide assessment results are predictive of success in  
 24 college and career training programs.

25 (b) The passing scores on a statewide assessment must be  
 26 determined by statistically valid and reliable methods as determined by  
 27 independent experts selected by the state board.

28 **(c) The state board, in consultation with The Arc of Indiana and**  
 29 **Indiana Council of Administrators of Special Education (ICASE),**  
 30 **shall select one (1) or more individuals who specialize in special**  
 31 **education who shall, in turn, be consulted with by the state board**  
 32 **as part of the state board's oversight of the development and**  
 33 **implementation of the Indiana's Learning Evaluation Assessment**  
 34 **Readiness Network (ILEARN).**

35 ~~(c)~~ (d) The state superintendent, with the approval of the state  
 36 board, is responsible for the development, implementation, and  
 37 monitoring of the Indiana's Learning Evaluation Assessment Readiness  
 38 Network (ILEARN) program.

39 ~~(d)~~ (e) The department shall prepare detailed design specifications  
 40 for the statewide assessment developed under this chapter that must do  
 41 the following:

42 (1) Take into account the academic standards adopted under



1 IC 20-31-3.

2 (2) Include testing of students' higher level cognitive thinking in  
3 each subject area tested.

4 ~~(e)~~ (f) A statewide assessment described in section 7 of this chapter  
5 may be in a form that allows the department and the state board, to the  
6 extent possible, to compare the proficiency of Indiana students to the  
7 proficiency of students in other states. A statewide assessment may  
8 consist of original test items for Indiana's exclusive use if the state  
9 board determines that:

10 (1) developing original test items for Indiana's exclusive use will  
11 result in cost savings; or

12 (2) it would be impractical to develop a statewide assessment  
13 adequately aligned to Indiana's academic standards without  
14 including original test items developed for Indiana's exclusive  
15 use.

16 SECTION 4. IC 20-32-5.1-18.4 IS ADDED TO THE INDIANA  
17 CODE AS A **NEW SECTION TO READ AS FOLLOWS**  
18 **[EFFECTIVE JULY 1, 2020]: Sec. 18.4. Notwithstanding any other**  
19 **law, a student's score on the statewide assessment may not be the**  
20 **primary factor or measure used to determine whether a student is**  
21 **eligible for a particular course or program.**

22 SECTION 5. IC 20-32-5.1-18.5, AS ADDED BY P.L.287-2019,  
23 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
24 JULY 1, 2020]: Sec. 18.5. (a) The department shall, ~~make every~~  
25 ~~reasonable attempt to~~ **the extent permitted under federal law,**  
26 **provide the same voice-to-text, text-to-speech, screen reader, or human**  
27 **reader and calculator accommodations to a particular student in**  
28 **grades 6 through 12 on every section of the statewide assessment**  
29 **program as if that accommodation is provided as part of the student's:**

30 (1) individualized education program;

31 (2) service plan developed under 511 IAC 7-34; ~~or~~

32 (3) choice scholarship education plan developed under 511  
33 IAC 7-49; ~~or~~

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

36 (b) **The department must submit any guidance or**  
37 **recommendations the department plans to distribute to a school**  
38 **corporation or school that attempts to affect in any manner based**  
39 **on statewide assessment accommodations which instructional**  
40 **methods are included or excluded from a program or plan**  
41 **described in subsection (a) to the state board for approval.**

42 ~~(b)~~ (c) This subsection expires January 1, 2020. The state board





1 shall provide a report to the legislative council in an electronic format  
 2 under IC 5-14-6, explaining in detail the extent that:

- 3 (1) individualized education programs;  
 4 (2) service plans developed under 511 IAC 7-34; or  
 5 (3) choice scholarship education plans developed under 511  
 6 IAC 7-49;

7 were altered to align to the statewide assessment program.

8 **(d) This subsection expires July 1, 2022. The department, in**  
 9 **consultation with The Arc of Indiana and Indiana Council of**  
 10 **Administrators of Special Education (ICASE), shall develop a**  
 11 **notice to parents of a student who has:**

- 12 **(1) an individualized education program;**  
 13 **(2) a service plan developed under 511 IAC 7-34;**  
 14 **(3) a choice scholarship education plan developed under 511**  
 15 **IAC 7-49; or**  
 16 **(4) a plan developed under Section 504 of the federal**  
 17 **Rehabilitation Act, 29 U.S.C. 794;**

18 **and includes text-to-speech accommodation requirements for the**  
 19 **student that explains changes being made to the statewide**  
 20 **assessment that may pertain to a child with a disability. The**  
 21 **department shall distribute a copy of the notice to each public**  
 22 **school, including a charter school and accredited nonpublic school.**  
 23 **On or before February 1, 2021, the public school, including a**  
 24 **charter school or accredited nonpublic school, shall provide the**  
 25 **notice to the parent of a child with a disability during an in-person**  
 26 **meeting or phone call where the educational progress of the child**  
 27 **with a disability is discussed. During the meeting or phone call, a**  
 28 **discussion and determination of whether the child with a disability**  
 29 **may be eligible to opt out of any applicable section of the statewide**  
 30 **assessment must occur.**

31 SECTION 6. 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. 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.

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SENATE MOTION

Madam President: I move that Senate Bill 346 be amended to read as follows:

Page 3, line 22, after "reader" insert "**and calculator**".

(Reference is to SB 346 as printed January 31, 2020.)

HOUCHIN

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Senate Bill 346, 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, delete lines 1 through 17, begin a new paragraph and insert:

"SECTION 1. IC 20-19-2-2.2, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2020 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.2. (a) Beginning June 1, 2015, the state board consists of the following members:

- (1) The state superintendent.
- (2) Eight (8) members appointed by the governor. The following provisions apply to members of the state board appointed under this subdivision:
  - (A) At least six (6) members appointed under this subdivision must have professional experience in the field of education as provided in subsection (b).



(B) Members shall be appointed from different parts of Indiana with not more than one (1) member being appointed from a particular congressional district.

(C) Not more than five (5) members of the state board may be appointed from the membership of any one (1) political party.

**(D) Subject to subsection (h), at least one (1) member shall be a licensed special education teacher or special education director.**

(3) One (1) member, who is not a member of the general assembly, appointed by the speaker of the house of representatives.

(4) One (1) member, who is not a member of the general assembly, appointed by the president pro tempore of the senate.

(b) For purposes of subsection (a), an individual is considered to have professional experience in the field of education if the individual has teaching or leadership experience at a postsecondary educational institution or is currently employed as, or is retired from a position as:

- (1) a teacher;
- (2) a principal;
- (3) an assistant superintendent; or
- (4) a superintendent.

(c) A quorum consists of six (6) members of the state board. An action of the state board is not official unless the action is authorized by at least six (6) members.

(d) ~~Subject to subsection (e)~~, The members of the state board shall elect a chairperson and vice chairperson annually from the members of the state board. The vice chairperson shall act as chairperson in the absence of the chairperson.

~~(e) Notwithstanding subsection (d), the state superintendent shall serve as the chairperson of the state board until a chairperson is elected under subsection (d) at the first meeting of the state board after December 31, 2016, which shall be held not later than January 15, 2017. A vice chairperson shall be elected at the first meeting of the state board after June 30, 2015, which shall be held not later than August 1, 2015. This subsection expires July 1, 2018.~~

~~(f)~~ (e) Except as otherwise provided in subsection ~~(g)~~; (f), each member appointed under subsection (a)(2) through (a)(4) serves a four (4) year term. The term begins on July 1.

~~(g)~~ (f) A member appointed under subsection (a)(2) through (a)(4) may be removed from the state board by the member's appointing authority for just cause. Vacancies in the appointments to the state board shall be filled by the appointing authority. A member appointed



under this subsection serves for the remainder of the unexpired term.

~~(h)~~ **(g)** The state board shall meet at a minimum at least one (1) time each month. The state board shall establish the date of the next monthly meeting during the monthly meeting of the state board. In addition to the monthly meeting required under this subsection, the state board shall meet at the call of the chairperson.

**(h) This subsection expires July 1, 2024. The governor shall appoint a member who has the qualifications described in subsection (a)(2)(D) for the first appointment made by the governor to fill a vacancy on the state board after March 31, 2020.**

SECTION 2. IC 20-19-9.1 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

**Chapter 9.1. Indiana Standards and Assessment Accommodation Task Force**

**Sec. 1. As used in this chapter, "task force" refers to the Indiana standards and assessment accommodation task force established by section 2 of this chapter.**

**Sec. 2. (a) The Indiana standards and assessment accommodation task force is established. The task force shall review:**

- (1) the accommodations provided for by Indiana's statewide assessment to determine if appropriate accommodations are available to accurately measure a student's learning; and**
- (2) Indiana's English and language arts academic standards to explore the possibility of separating the academic standard of reading comprehension into a separate reading academic standard and a comprehension academic standard.**

**On or before November 1, 2020, the task force shall issue a final report and shall make recommendations to the general assembly in an electronic format under IC 5-14-6.**

**(b) The task force consists of fourteen (14) members as follows:**

- (1) One (1) member of the majority party of the house of representatives appointed by the speaker of the house of representatives.**
- (2) One (1) member of the majority party of the senate appointed by the president pro tempore of the senate.**
- (3) One (1) member of the minority party of the house of representatives appointed by the speaker of the house of representatives in consultation with the minority floor leader of the house of representatives.**
- (4) One (1) member of the minority party of the senate**



appointed by the president pro tempore of the senate in consultation with the minority floor leader of the senate.

(5) The member of the state board described in IC 20-19-2-2.2(a)(3).

(6) The member of the state board described in IC 20-19-2-2.2(a)(4).

(7) One (1) member representing the Arc of Indiana appointed by the Arc of Indiana.

(8) One (1) member who is an assessment expert with experience in special education assessments appointed by the Arc of Indiana.

(9) One (1) member representing Decoding Dyslexia Indiana appointed by Decoding Dyslexia Indiana.

(10) One (1) member who is a special education administrator appointed by the Indiana Council of Administrators of Special Education (ICASE).

(11) One (1) member who is a special education teacher jointly appointed by the co-chairs of the task force.

(12) One (1) member who is an assessment expert appointed by the state board.

(13) The department's director of curriculum and instruction.

(14) One (1) member representing the department's office of student assessment appointed by the department.

(c) The members described in subsection (b)(1) and (b)(2) shall serve as co-chairpersons for the task force. The task force shall meet at the call of the co-chairpersons.

(d) A quorum consists of the majority of the members of the task force.

(e) The affirmative votes of a majority of the members of the task force are required for the task force to take action on any measure.

**Sec. 3. (a)** A member of the task force who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(b) A member of the task force who is a state employee but who is not a member of the general assembly is entitled to reimbursement for traveling expenses as provided under



**IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.**

**(c) A member of the task force who is a member of the general assembly is entitled to receive the same per diem, mileage, and travel allowances paid to legislative members of interim study committees established by the legislative council. Per diem, mileage, and travel allowances paid under this subsection shall be paid from current appropriations made to the legislative council or the legislative services agency.**

**Sec. 4. The legislative services agency shall staff the task force.**

**Sec. 5. This chapter expires July 1, 2021.**

SECTION 3. IC 20-32-5.1-6, AS ADDED BY P.L.242-2017, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. (a) The state board shall:

(1) authorize and oversee the department's development and implementation of the Indiana's Learning Evaluation Assessment Readiness Network (ILEARN) program, including:

(A) establishment of criteria for requests for proposals for statewide assessments developed or authorized under this chapter;

(B) establishment of criteria for membership of evaluation teams; and

(C) establishment of criteria for content and format of the statewide assessment; and

(2) require the department to conduct ongoing analysis of whether the statewide assessment results are predictive of success in college and career training programs.

(b) The passing scores on a statewide assessment must be determined by statistically valid and reliable methods as determined by independent experts selected by the state board.

**(c) The state board shall consult with one (1) or more individuals who specialize in special education as part of the state board's oversight of the development and implementation of the Indiana's Learning Evaluation Assessment Readiness Network (ILEARN).**

~~(c)~~ **(d)** The state superintendent, with the approval of the state board, is responsible for the development, implementation, and monitoring of the Indiana's Learning Evaluation Assessment Readiness Network (ILEARN) program.

~~(d)~~ **(e)** The department shall prepare detailed design specifications





for the statewide assessment developed under this chapter that must do the following:

- (1) Take into account the academic standards adopted under IC 20-31-3.
- (2) Include testing of students' higher level cognitive thinking in each subject area tested.

(e) (f) A statewide assessment described in section 7 of this chapter may be in a form that allows the department and the state board, to the extent possible, to compare the proficiency of Indiana students to the proficiency of students in other states. A statewide assessment may consist of original test items for Indiana's exclusive use if the state board determines that:

- (1) developing original test items for Indiana's exclusive use will result in cost savings; or
- (2) it would be impractical to develop a statewide assessment adequately aligned to Indiana's academic standards without including original test items developed for Indiana's exclusive use.

SECTION 4. IC 20-32-5.1-18.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 18.4. Notwithstanding any other law, a student's score on the statewide assessment may not be the primary factor or measure used to determine whether a student is eligible for a particular course or program."**

Delete page 2.

Page 3, delete lines 1 through 16.

Page 3, line 22, strike "particular".

Page 3, line 22, after "student" insert "**in grades 6 through 12**".

Page 3, line 23, after "program" strike "as" and insert "**if that accommodation is**".

Page 3, line 31, delete "may not issue" and insert "**must submit any**".

Page 3, line 32, after "recommendations" insert "**the department plans to distribute**".

Page 3, line 35, after "(a)" delete "." and insert "**to the state board for approval**".

Page 3, line 42, after "IAC 7-49" insert ";".

Page 4, after line 1, begin a new paragraph and insert:

**"(d) This subsection expires July 1, 2022. The department, in consultation with the Arc of Indiana and Indiana Council of Administrators of Special Education (ICASE), shall develop a notice to parents of a student who has:**



- (1) an individualized education program;
- (2) a service plan developed under 511 IAC 7-34;
- (3) a choice scholarship education plan developed under 511 IAC 7-49; or
- (4) a plan developed under Section 504 of the federal Rehabilitation Act, 29 U.S.C. 794;

that explains changes being made to the statewide assessment that may pertain to a child with a disability. The department shall distribute a copy of the notice to each public school, including a charter school and accredited nonpublic school. On or before February 1, 2021, the public school, including a charter school or accredited nonpublic school, shall provide the notice to the parent of a child with a disability during an in-person meeting where the educational progress of the child with a disability is discussed. During the meeting, a discussion and determination of whether the child with a disability may be eligible to opt out of any applicable section of the statewide assessment must occur.

SECTION 6. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 346 as reprinted February 4, 2020.)

BEHNING

Committee Vote: yeas 11, nays 0.

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HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 346 be amended to read as follows:

Page 4, line 2, after "representing" delete "the" and insert "**The**".

Page 4, line 3, after "by" delete "the" and insert "**The**".

Page 4, line 5, after "by" delete "the" and insert "**The**".

Page 5, delete lines 28 through 32, begin a new paragraph and insert:

**"(c) The state board, in consultation with The Arc of Indiana and Indiana Council of Administrators of Special Education (ICASE), shall select one (1) or more individuals who specialize in special education who shall, in turn, be consulted with by the state**

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**board as part of the state board's oversight of the development and implementation of the Indiana's Learning Evaluation Assessment Readiness Network (ILEARN)."**

Page 7, line 7, after "with" delete "the" and insert "**The**".

Page 7, line 16, delete "that explains" and insert "**and includes text-to-speech accommodation requirements for the student that explains**".

Page 7, line 22, after "meeting" insert "**or phone call**".

Page 7, line 24, after "meeting" delete "," and insert "**or phone call,**".

(Reference is to ESB 346 as printed February 25, 2020.)

BEHNING

