

IC 20-31

**ARTICLE 31. ACCOUNTABILITY FOR
PERFORMANCE AND IMPROVEMENT**

IC 20-31-1

Chapter 1. Applicability

IC 20-31-1-1

Applicability to schools

Sec. 1. This article applies only to the following:

(1) Public schools.

(2) Except as provided in IC 20-31-7 and IC 20-31-9, nonpublic schools that voluntarily become accredited under IC 20-19-2-8.

As added by P.L.1-2005, SEC.15.

IC 20-31-2
Chapter 2. Definitions

IC 20-31-2-1
Applicability

Sec. 1. The definitions in this chapter apply throughout this article.

As added by P.L.1-2005, SEC.15.

IC 20-31-2-2
"Annual report"

Sec. 2. "Annual report" refers to the school corporation annual performance report required by IC 20-20-8.

As added by P.L.1-2005, SEC.15.

IC 20-31-2-3
"Charter school"

Sec. 3. "Charter school" refers to a public school created and operating under IC 20-24.

As added by P.L.1-2005, SEC.15.

IC 20-31-2-4
"Committee"

Sec. 4. "Committee" refers to the committee that develops the strategic and continuous school improvement and achievement plan under IC 20-31-5.

As added by P.L.1-2005, SEC.15.

IC 20-31-2-5
"Cultural competency"

Sec. 5. "Cultural competency" means a system of congruent behaviors, attitudes, and policies that enables teachers to work effectively in cross-cultural situations. The term includes the use of knowledge concerning individuals and groups to develop specific standards, policies, practices, and attitudes to be used in appropriate cultural settings to increase students' educational performance.

As added by P.L.1-2005, SEC.15.

IC 20-31-2-6
"Exceptional learner"

Sec. 6. "Exceptional learner" refers to the following:

- (1) A child with a disability (as defined in IC 20-35-1-2).
- (2) A high ability student (as defined in IC 20-36-1-3).

As added by P.L.1-2005, SEC.15.

IC 20-31-2-7
"Plan"

Sec. 7. "Plan" refers to a strategic and continuous school improvement and achievement plan established under this article for a school or school corporation.

As added by P.L.1-2005, SEC.15.

IC 20-31-2-8

"School"

Sec. 8. "School" refers to a public school or an accredited nonpublic school.

As added by P.L.1-2005, SEC.15.

IC 20-31-2-9

"Special management team"

Sec. 9. "Special management team" means an entity that manages a turnaround academy.

As added by P.L.229-2011, SEC.186.

IC 20-31-2-10

"Turnaround academy"

Sec. 10. "Turnaround academy" means a school that is subject to IC 20-31-9.5 and for the purpose of federal funding only, is considered a local educational agency.

As added by P.L.229-2011, SEC.187. Amended by P.L.160-2012, SEC.51.

IC 20-31-3

Chapter 3. Adoption of Academic Standards

IC 20-31-3-1

Adoption of academic standards

Sec. 1. The state board shall adopt clear, concise, and jargon free state academic standards that are comparable to national and international academic standards. These academic standards must be adopted for each grade level from kindergarten through grade 12 for the following subjects:

- (1) English/language arts.
- (2) Mathematics.
- (3) Social studies.
- (4) Science.

For grade levels tested under the ISTEP program, the academic standards must be based in part on the results of the ISTEP program.
As added by P.L.1-2005, SEC.15.

IC 20-31-3-2

Development of subject area academic standards

Sec. 2. The department shall develop academic standards for the following subject areas for each grade level from kindergarten through grade 12:

- (1) English/language arts.
- (2) Mathematics.
- (3) Social studies.
- (4) Science.
- (5) Other subject areas as determined by the department.

As added by P.L.1-2005, SEC.15.

IC 20-31-3-3

Revising and updating academic standards

Sec. 3. The department shall revise and update academic standards:

- (1) for each grade level from kindergarten through grade 12;
and
- (2) in each subject area listed in section 2 of this chapter;

at least once every six (6) years. This revision must occur on a cyclical basis.

As added by P.L.1-2005, SEC.15. Amended by P.L.73-2011, SEC.17.

IC 20-31-3-4

Academic standards committee

Sec. 4. The state superintendent shall appoint an academic standards committee composed of subject area teachers and parents during the period when a subject area is undergoing revision.

As added by P.L.1-2005, SEC.15. Amended by P.L.286-2013, SEC.100.

IC 20-31-3-5

Recommendations on academic standards

Sec. 5. An academic standards committee shall submit recommendations on academic standards for a subject area to the education roundtable established by IC 20-19-4-2 for review by the educational roundtable.

As added by P.L.1-2005, SEC.15.

IC 20-31-3-6**Curriculum program**

Sec. 6. The curriculum program of each grade level from kindergarten through grade 12 in a school in a school corporation must be consistent with the following standards:

- (1) The academic standards developed under this chapter.
- (2) The student competencies developed for the Core 40 college preparation curriculum models established under IC 20-30-10.

As added by P.L.1-2005, SEC.15.

IC 20-31-3-7**Duties of department**

Sec. 7. The department shall do the following:

- (1) Distribute the academic standards established under this chapter to each school corporation for distribution by the school corporation to the parent of each student in the school corporation.
- (2) Survey parents of students, members of the business community, representatives of postsecondary education, and educators on the importance and applicability of academic standards.

As added by P.L.1-2005, SEC.15. Amended by P.L.2-2007, SEC.222.

IC 20-31-4

Chapter 4. Performance Based Accreditation

IC 20-31-4-1

"Legal standards"

Sec. 1. As used in this chapter, "legal standards" means Indiana statutes and rules adopted by the state board that apply to each school for accreditation.

As added by P.L.1-2005, SEC.15.

IC 20-31-4-2

Establishment of system; schedule for accreditation

Sec. 2. (a) A school in Indiana may be accredited:

- (1) under the performance based accreditation system established by this chapter; or
- (2) by implementing a quality focused approach to school improvement such as the criteria for the Malcolm Baldrige National Quality Award for Education or for a national or regional accreditation agency that is recommended by the education roundtable and approved by the state board.

(b) The state board shall establish the following:

- (1) A performance based accreditation system for accrediting schools in Indiana under this chapter.
- (2) A procedure for determining whether a school is making progress toward meeting the criteria for the Malcolm Baldrige National Quality Award for Education or a national or regional accreditation agency.

(c) The department shall establish a schedule for accrediting schools under this chapter.

As added by P.L.1-2005, SEC.15.

IC 20-31-4-3

Accreditation levels

Sec. 3. (a) The state board shall establish the following accreditation levels:

- (1) Full accreditation status.
- (2) Probationary accreditation status.

(b) After the review process described in this chapter has been completed, including the review conducted by the onsite review panel assigned under section 9 of this chapter, if applicable, the state board shall assign either full accreditation status or probationary accreditation status to each school and school corporation.

As added by P.L.1-2005, SEC.15.

IC 20-31-4-4

Full accreditation status

Sec. 4. (a) When all the schools in a school corporation achieve full accreditation status, the department shall provide a certificate of full accreditation to the school corporation.

(b) If one (1) or more schools in a school corporation are assigned

probationary status but the school corporation is in substantial compliance with full accreditation standards, the state board shall assign full accreditation status to that school corporation.

As added by P.L.1-2005, SEC.15.

IC 20-31-4-5

Benchmarks for performance

Sec. 5. The state superintendent and the state board shall determine which of the benchmarks and indicators of performance listed in IC 20-20-8-8 are appropriate benchmarks for performance based accreditation under this chapter.

As added by P.L.1-2005, SEC.15.

IC 20-31-4-6

Compliance with legal standards

Sec. 6. The department shall determine whether the school has complied with the following legal standards for accreditation:

- (1) Health and safety requirements.
- (2) Minimum time requirements for school activity.
- (3) Curriculum offerings.
- (4) Development and implementation of a staff evaluation plan under IC 20-28-11.5.
- (5) Completion of a school improvement plan that complies with requirements developed by the state board and:
 - (A) focuses on academic performance; and
 - (B) is consistent with metrics for improvement.

As added by P.L.1-2005, SEC.15. Amended by P.L.90-2011, SEC.40.

IC 20-31-4-7

Determination of full accreditation; review of school

Sec. 7. (a) If the department determines that:

- (1) a school has complied with all the legal standards under section 6 of this chapter; and
- (2) the school's performance has met the expectations for that school in the areas described in section 5 of this chapter;

the state board shall make a determination that the school has acquired full accreditation status.

(b) The department shall conduct the next review under this chapter of a school described under subsection (a) not later than five (5) years after the state board's determination of full accreditation.

As added by P.L.1-2005, SEC.15.

IC 20-31-4-8

Onsite evaluation of school; publication of information concerning compliance

Sec. 8. (a) If the department verifies that:

- (1) a school has not complied with all the legal standards under section 6 of this chapter; or
- (2) the school's performance has not met the expectations for that school in the areas described in section 5 of this chapter;

a review panel of at least three (3) members shall conduct an onsite evaluation of that school to make a recommendation to the state board as to the accreditation status of that school.

(b) The department may not publish or otherwise make available for public inspection any information concerning a school's compliance with legal standards under section 6 of this chapter, the meeting of performance expectations under section 5 of this chapter, the assignment of an onsite review panel under this section, or the recommended accreditation status of the school until all onsite reviews have taken place and recommendations to the state board concerning the accreditation status of the school have been made.

As added by P.L.1-2005, SEC.15.

IC 20-31-4-9

Review panel

Sec. 9. (a) Each review panel must consist of the following:

- (1) One (1) staff member from the department.
- (2) One (1) classroom teacher.
- (3) One (1) individual who is not a classroom teacher but who is representative of the field of education.

(b) The state board shall determine the selection process for the review panels. However, the department shall assign, without state board approval, a review panel to each school required to be evaluated under section 8 of this chapter.

(c) The department may require that more than one (1) review panel conduct the onsite evaluation of a school.

As added by P.L.1-2005, SEC.15.

IC 20-31-4-10

Areas reviewed during onsite evaluation

Sec. 10. (a) During its onsite evaluation, a review panel shall review the following for a school:

- (1) Teaching practices and administrative leadership in instruction.
- (2) Parental and community involvement.
- (3) Implementation of the ISTEP remediation program under IC 20-32-8 and the educational opportunity program for at-risk children.
- (4) The homework policy.

(b) In addition to its review under subsection (a), the review panel shall verify compliance with the legal standards for accreditation under section 6 of this chapter.

As added by P.L.1-2005, SEC.15.

IC 20-31-4-11

Recommendation of review panel

Sec. 11. Upon review of all the areas described in sections 5 and 10 of this chapter, a review panel shall make a recommendation to the state board concerning:

- (1) the accreditation status of the school;

- (2) if applicable, certain recommendations for improvement that the school should consider, including recommendations that the department provide technical assistance to the school; and
- (3) the next date of review for the school.

As added by P.L.1-2005, SEC.15.

IC 20-31-4-12

Determination by board of status of reviewed school

Sec. 12. (a) Upon receipt of a review panel's recommendation, the state board shall make one (1) of the following determinations as to the accreditation status of the school:

- (1) Full accreditation status with the next review being conducted five (5) years after the state board's determination of full accreditation.
- (2) Full accreditation status with the next review being conducted earlier than five (5) years after the state board's determination of full accreditation.
- (3) Probationary accreditation with the next review being conducted one (1) year after the state board's determination of probationary accreditation.

(b) A school that does not comply with all the legal standards may not be determined to have acquired full accreditation status.

As added by P.L.1-2005, SEC.15.

IC 20-31-4-13

Probationary status; duty of governing body of school corporation

Sec. 13. If a school is assigned probationary accreditation status, the governing body of the school corporation shall:

- (1) develop a plan, within one (1) year after the school is assigned probationary status, to raise the school's level of accreditation; and
- (2) raise the school's level of accreditation within three (3) years after the school is assigned probationary status.

As added by P.L.1-2005, SEC.15.

IC 20-31-4-14

Probationary status; failure to make progress

Sec. 14. (a) If a school having probationary status:

- (1) fails to make progress; or
- (2) at the end of three (3) years has not achieved full accreditation status;

the state board shall assign probationary accreditation status to the school corporation in which the school is located.

(b) A school corporation on probationary accreditation status shall direct its efforts toward raising the level of accreditation of each of its schools that are on probationary accreditation status to full accreditation status within one (1) year after the school corporation is assigned probationary accreditation status.

As added by P.L.1-2005, SEC.15.

IC 20-31-4-15**Probationary status; recommendations to general assembly**

Sec. 15. If a school corporation on probationary accreditation status does not raise the level of accreditation of each of its schools that are on probationary accreditation status to full accreditation status within one (1) year after the school corporation was assigned probationary accreditation status, the department shall submit to the general assembly recommendations concerning the operation and administration of the school corporation and the schools within that school corporation.

As added by P.L.1-2005, SEC.15.

IC 20-31-4-16**Probationary status; appeal; assistance**

Sec. 16. (a) If a school or school corporation is assigned probationary accreditation status, the governing body of the school corporation may appeal that determination to the state board.

(b) If a school or school corporation is assigned probationary accreditation status, the department shall provide assistance to that school or school corporation to achieve full accreditation status.

(c) If a school is assigned probationary accreditation status, the completion of the school improvement plan under section 6 of this chapter must involve parents, administrators, teachers, and other members of the community.

As added by P.L.1-2005, SEC.15.

IC 20-31-4-17**Rules**

Sec. 17. The state board shall adopt rules under IC 4-22-2 necessary to implement this chapter.

As added by P.L.1-2005, SEC.15.

IC 20-31-5

Chapter 5. Strategic and Continuous School Improvement and Achievement Plan

IC 20-31-5-1

Development of initial plan

Sec. 1. (a) The principal of each school shall coordinate:

- (1) the development of an initial three (3) year strategic and continuous school improvement and achievement plan; and
- (2) an annual review of the plan.

(b) The initial plan and annual review must be made with input from a committee of persons interested in the school, including administrators, teachers, parents, and community and business leaders appointed by the principal. Teacher appointments to the committee must be made in accordance with IC 20-29.

As added by P.L.1-2005, SEC.15.

IC 20-31-5-2

Charter used as strategic and continuous school improvement and achievement plan

Sec. 2. (a) This section applies to a charter school.

(b) A charter entered into under IC 20-24-4 may be used as a charter school's three (3) year plan.

As added by P.L.1-2005, SEC.15.

IC 20-31-5-3

Superintendent's review of plan

Sec. 3. (a) The committee must submit a school's initial plan to the superintendent by March 1 of the school year before the year of implementation. The superintendent:

- (1) shall review the plan to ensure that the plan aligns with the school corporation's objectives, goals, and expectations;
- (2) may make written recommendations of modifications to the plan to ensure alignment; and
- (3) shall return the plan and any recommendations to the committee by April 1 of the school year before the year of implementation.

(b) A committee may modify the plan to comply with recommendations made by the superintendent under subsection (a).

(c) A committee shall submit:

- (1) the plan; and
- (2) the written recommendations of the superintendent;

to the governing body by May 1 of the school year before the year of implementation.

(d) An initial plan must be established by June 1 of the school year before the year of implementation by approval of the governing body. The governing body shall approve a plan for each school in the school corporation. When a plan is presented to the governing body, the governing body must either accept or reject the plan and may not revise the plan. A plan is established when written evidence of

approval is attached to the plan.
As added by P.L.1-2005, SEC.15.

IC 20-31-5-4

Requirements of plan

Sec. 4. (a) A plan must:

- (1) state objectives for a three (3) year period; and
- (2) be annually reviewed and revised to accomplish the achievement objectives of the school.

(b) A plan must establish objectives for the school to achieve.

(c) This subsection does not apply to a school that is designated in the top category or designation of school improvement under IC 20-31-8-4 in the year immediately preceding the year in which the school's initial plan is implemented. These achievement objectives must be consistent with academic standards and include improvement in at least the following areas:

- (1) Attendance rate, as set forth in the plan developed under IC 20-19-3-12.2.
- (2) The educational needs of students who have been identified to be chronically absent or habitually truant from school.
- (3) The percentage of students meeting academic standards under the ISTEP program (IC 20-31-3 and IC 20-32-5).
- (4) For a secondary school, graduation rate.

(d) A plan must address the learning needs of all students, including programs and services for exceptional learners.

(e) A plan must specify how and to what extent the school expects to make continuous improvement in all areas of the education system where results are measured by setting benchmarks for progress on an individual school basis.

(f) A plan must note specific areas where improvement is needed immediately.

As added by P.L.1-2005, SEC.15. Amended by P.L.246-2013, SEC.8.

IC 20-31-5-5

Waiver of applicability

Sec. 5. (a) A plan may include a request for a waiver of applicability of a rule or statute to a school.

(b) The governing body may waive any rule adopted by the state board for which a waiver is requested in a plan, except for a rule that is characterized as follows:

- (1) The rule relates to the health or safety of students or school personnel.
- (2) The rule is a special education rule under 511 IAC 7.
- (3) Suspension of the rule brings the school into noncompliance with federal statutes or regulations.
- (4) The rule concerns curriculum or curricular materials.

(c) Upon request of the governing body and under a plan, the state board may waive for a school or a school corporation any statute or rule relating to the following:

- (1) Curriculum.

(2) Selection of curricular materials.
As added by P.L.1-2005, SEC.15. Amended by P.L.286-2013, SEC.101.

IC 20-31-5-6

Components of plan for school

Sec. 6. (a) This section does not apply to a school that is designated in the top category or designation of school improvement under IC 20-31-8-4 in the year immediately preceding the year in which the school's initial plan is implemented. A plan must contain the following components for the school:

- (1) A list of the statutes and rules that the school wishes to have suspended from operation for the school.
- (2) A description of the curriculum and information concerning the location of a copy of the curriculum that is available for inspection by members of the public.
- (3) A description and name of the assessments that will be used in the school in addition to ISTEP program assessments.
- (4) A plan to be submitted to the governing body and made available to all interested members of the public in an easily understood format.
- (5) A provision to maximize parental participation in the school, which may include providing parents with:
 - (A) access to learning aids to assist students with school work at home;
 - (B) information on home study techniques; and
 - (C) access to school resources.
- (6) For a secondary school, a provision to do the following:
 - (A) Offer courses that allow all students to become eligible to receive an academic honors diploma.
 - (B) Encourage all students to earn an academic honors diploma or complete the Core 40 curriculum.
 - (C) Reduce the number of graduation exam waivers granted to graduates.
- (7) A provision to maintain a safe and disciplined learning environment for students and teachers that complies with the governing body's plan for improving student behavior and discipline developed under IC 20-26-5-32.
- (8) A provision for the coordination of technology initiatives and ongoing professional development activities.

(b) If, for a purpose other than a plan under this chapter, a school has developed materials that are substantially similar to a component listed in subsection (a), the school may substitute those materials for the component listed in subsection (a).

As added by P.L.1-2005, SEC.15. Amended by P.L.66-2009, SEC.2; P.L.246-2013, SEC.9; P.L.268-2013, SEC.3.

IC 20-31-5-7

Availability of plans

Sec. 7. The department shall act as a clearinghouse for plans and

shall make effective plans available to school corporations as models to use in developing and carrying out plans.

As added by P.L.1-2005, SEC.15.

IC 20-31-6

Chapter 6. Cultural Competency in Educational Environments

IC 20-31-6-1

Cultural competency materials

Sec. 1. The department shall develop and make available to school corporations and nonpublic schools materials that assist teachers, administrators, and staff in a school in developing cultural competency for use in providing professional and staff development programs.

As added by P.L.1-2005, SEC.15. Amended by P.L.246-2005, SEC.175.

IC 20-31-6-2

Cultural competency component of school plan

Sec. 2. (a) In developing a school's plan, the committee shall consider methods to improve the cultural competency of the school's teachers, administrators, staff, parents, and students.

(b) The committee shall:

- (1) identify the racial, ethnic, language-minority, cultural, exceptional learning, and socioeconomic groups that are included in the school's student population;
- (2) incorporate culturally appropriate strategies for increasing educational opportunities and educational performance for each group in the school's plan; and
- (3) recommend areas in which additional professional development is necessary to increase cultural competency in the school's educational environment.

(c) The committee shall update annually the information identified under subsection (b)(1).

As added by P.L.1-2005, SEC.15.

IC 20-31-7

Chapter 7. Student Educational Achievement Grants

IC 20-31-7-1

Inapplicability to nonpublic school

Sec. 1. This chapter does not apply to a nonpublic school.
As added by P.L.1-2005, SEC.15.

IC 20-31-7-2

"Fund"

Sec. 2. As used in this chapter, "fund" refers to the student educational achievement fund established by section 4 of this chapter.
As added by P.L.1-2005, SEC.15.

IC 20-31-7-3

"Grant"

Sec. 3. As used in this chapter, "grant" refers to a student educational achievement grant from the fund.
As added by P.L.1-2005, SEC.15.

IC 20-31-7-4

Student educational achievement fund

Sec. 4. (a) The student educational achievement fund is established to provide funds to stimulate and recognize improved student performance in meeting academic standards under the ISTEP program. The fund is administered by the department.

(b) The fund consists of appropriations from the general assembly.

(c) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

As added by P.L.1-2005, SEC.15.

IC 20-31-7-5

Amount of funds available for grants

Sec. 5. The general assembly shall determine the statewide amount available for grants in appropriations during a biennium. The maximum amount available to a school is determined by referencing the number of full-time certified teaching positions for the school. The department, under the direction of the state superintendent, shall determine the available amounts and distribute the grants earned.

As added by P.L.1-2005, SEC.15.

IC 20-31-7-6

System for grant distribution

Sec. 6. The education roundtable shall recommend to the state board a system for awarding and distributing grants under this chapter. A system recommended under this section must be based on graduated levels of improvement based on ISTEP program standards and other assessments recommended and approved by the education

roundtable.

As added by P.L.1-2005, SEC.15.

IC 20-31-7-7

Use of assessment data

Sec. 7. (a) The education roundtable shall study the use of individual student assessment data:

- (1) to implement this chapter;
- (2) to analyze student performance over time on various assessments; and
- (3) for other purposes developed by the roundtable.

(b) Any recommendation of the education roundtable concerning the use of individual student assessment data must be tested in a pilot project before the recommendation may be implemented on a statewide basis.

As added by P.L.1-2005, SEC.15.

IC 20-31-8

Chapter 8. Assessing Improvement

IC 20-31-8-1

ISTEP scores and other assessments

Sec. 1. (a) The performance of a school's students on the ISTEP program test and other assessments recommended by the education roundtable and approved by the state board are the primary and majority means of assessing a school's improvement.

(b) The education roundtable shall examine and make recommendations to the state board concerning:

- (1) performance indicators to be used as a secondary means of determining school progress;
- (2) expected progress levels, continuous improvement measures, distributional performance levels, and absolute performance levels for schools; and
- (3) an orderly transition from the performance based accreditation system to the assessment system set forth in this article.

(c) The education roundtable shall consider methods of measuring improvement and progress used in other states in developing recommendations under this section.

(d) The education roundtable may consider:

- (1) the likelihood that a student may fail a graduation exam and require a graduation waiver under IC 20-32-4-4 or IC 20-32-4-5; and
- (2) remedial needs of students who are likely to require remedial work while the students attend a postsecondary educational institution or workforce training program;

when making recommendations under this section.

As added by P.L.1-2005, SEC.15. Amended by P.L.268-2013, SEC.4.

IC 20-31-8-2

Secondary means of assessing performance

Sec. 2. (a) In addition to scores on the ISTEP program test and other assessments, the department shall use the performance indicators developed under section 1 of this chapter and the benchmarks and indicators of performance in each school corporation's annual performance report as a secondary means of assessing the performance of each school and school corporation.

(b) The department shall assess school performance in the following manner:

- (1) Compare the academic performance and growth of the individual students in each school and each school corporation with the prior academic performance and growth of the individual students in the school or school corporation and not to the performance of other schools or school corporations.
- (2) Compare the results in the annual report under IC 20-20-8 with the benchmarks and indicators of performance established in the plan for the same school.

(3) Compare the results for a school by comparing each student's results for each grade with the student's prior year results, with an adjustment for student mobility rate. The education roundtable shall make recommendations concerning the incorporation of a statistical adjustment for student mobility rates into the results.

(4) Compare the results for a school with the state average and the ninety-fifth percentile level for all assessments and performance indicators.

As added by P.L.1-2005, SEC.15. Amended by P.L.286-2013, SEC.102.

IC 20-31-8-3

Establishment of categories of performance

Sec. 3. The state board shall establish a number of categories, using an "A" through "F" grading scale, to designate performance based on the individual student academic performance and growth to proficiency in each school.

As added by P.L.1-2005, SEC.15. Amended by P.L.286-2013, SEC.103.

IC 20-31-8-4

Placement of school in category or designation of school performance

Sec. 4. The state board shall place each school in a category or designation of school performance based on the department's findings from the assessment of performance and academic growth under section 2 of this chapter.

As added by P.L.1-2005, SEC.15. Amended by P.L.286-2013, SEC.104.

IC 20-31-8-4.5

Alternative assessment methodology for schools focused exclusively on students with developmental, intellectual, or behavioral challenges

Sec. 4.5. In addition to other benchmarks, performance indicators, and accountability standards developed under this article, the state board shall develop alternative benchmarks, performance indicators, and accountability standards to be used in the assessment of schools that focus exclusively on providing an academic program for students with developmental, intellectual, or behavioral challenges.

As added by P.L.205-2013, SEC.255.

IC 20-31-8-5 Version a

Establishment of categories or designation of school performance; replacement of existing categories or designations; basis for new categories or designations

Note: This version of section added by P.L.286-2013, SEC.105. See also following version of this section added by P.L.205-2013, SEC.256.

Sec. 5. (a) Not later than November 15, 2013, the state board shall establish new categories or designations of school performance under the requirements of this chapter to replace 511 IAC 6.2-6. The new standards of assessing school performance:

- (1) must be based on a measurement of individual student academic performance and growth to proficiency; and
- (2) may not be based on a measurement of student performance or growth compared with peers.

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

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

- (1) shall adopt rules under IC 4-22-2; and
- (2) may adopt emergency rules in the manner provided in IC 4-22-2-37.1;

to implement this chapter.

(c) An emergency rule adopted under subsection (b) expires on the earlier of:

- (1) November 15, 2014; or
- (2) the effective date of a rule that establishes categories or designations of school improvement described in this section and supersedes the emergency rule.

(d) Before beginning the rulemaking process to establish new categories or designations of school improvement, the state board shall report to the general assembly the proposed new categories or designations in an electronic format under IC 5-14-6.

As added by P.L.286-2013, SEC.105.

IC 20-31-8-5 Version b

Alternative accountability system for recovery schools and accelerated learning centers sponsored by the state board

Note: This version of section added by P.L.205-2013, SEC.256. See also preceding version of this section added by P.L.286-2013, SEC.105.

Sec. 5. The state board shall establish an alternative accountability system to assess the performance of a charter school that is sponsored by the Indiana charter school board established by IC 20-24-2.1-1 and designated as a recovery school or an accelerated learning center.

As added by P.L.205-2013, SEC.256.

IC 20-31-8-6

Change in category or designation of school performance; duty of department

Sec. 6. (a) This section applies to a school that has appealed the school's placement in a category or designation under section 4 of this chapter.

(b) If as a result of an appeal a school's placement in a category or designation under section 4 of this chapter changes, the department shall:

- (1) change the category or designation in the department's

records;

(2) notify the school of the change; and

(3) disseminate information concerning the change in the school's placement in the same manner as information concerning the school's original placement was disseminated.

As added by P.L.286-2013, SEC.106.

IC 20-31-9

Chapter 9. Consequences

IC 20-31-9-1

Inapplicability to nonpublic and charter schools

Sec. 1. This chapter does not apply to the following:

- (1) A nonpublic school.
- (2) A charter school.

As added by P.L.1-2005, SEC.15.

IC 20-31-9-2

School placed in lowest category or designation the first year

Sec. 2. (a) This section applies the first year that a school is placed in the lowest category or designation of school improvement.

(b) The state board shall place the school and the school corporation on notice that the school is in the lowest category or designation of school improvement. Upon receiving the notice, the governing body shall:

- (1) issue a public notice of the school's lack of improvement; and
- (2) hold a public hearing in which public testimony is received concerning the lack of improvement.

(c) The committee shall revise the school's plan. A revision under this subsection may include any of the following:

- (1) Shifting resources.
- (2) Changing personnel.
- (3) Requesting the state board to appoint an outside team to manage the school or assist in the development of a new plan.

(d) If the governing body approves a request for the state board to appoint an outside team under subsection (c)(3), the school is considered to be placed under section 3 of this chapter.

As added by P.L.1-2005, SEC.15.

IC 20-31-9-3

School in lowest category in third year; establishment of expert team; restructuring plan

Sec. 3. (a) This section applies if, in the third year after initial placement in the lowest category or designation, a school still remains in the lowest category or designation.

(b) The state board shall establish and assign an expert team to the school. The expert team:

- (1) must include representatives from the community or region that the school serves; and
- (2) may include:
 - (A) school superintendents, members of governing bodies, and teachers from school corporations that are in high categories or designations; and
 - (B) special consultants or advisers.

(c) The expert team shall:

- (1) assist the school in revising the school's plan; and

(2) recommend changes in the school that will promote improvement, including the reallocation of resources or requests for technical assistance.

(d) The governing body of the school corporation in which a school to which this section applies is located may petition the state board to immediately restructure the school by presenting a written plan to the state board setting forth the proposed intervention for the school. If the state board approves the petition and accepts the plan, the school:

(1) operates under the applicable provisions of IC 20-31-9.5; and

(2) is carried forward in the same performance category or designation in which the school is placed at the time the state board accepts the plan.

As added by P.L.1-2005, SEC.15. Amended by P.L.229-2011, SEC.188.

IC 20-31-9-4

School in lowest category in fifth year; hearing; establishment as turnaround academy

Sec. 4. (a) This section applies if, in the fifth year after initial placement in the lowest category or designation, a school still remains in the lowest category or designation.

(b) The state board shall do the following:

(1) Hold at least one (1) public hearing in the school corporation where the school is located to consider and hear testimony concerning the following options for school improvement:

(A) Merging the school with a nearby school that is in a higher category.

(B) Assigning a special management team to operate all or part of the school.

(C) The department's recommendations for improving the school.

(D) Other options for school improvement expressed at the public hearing, including closing the school.

(E) Revising the school's plan in any of the following areas:

(i) Changes in school procedures or operations.

(ii) Professional development.

(iii) Intervention for individual teachers or administrators.

(2) If the state board determines that intervention will improve the school, implement at least one (1) of the options listed in subdivision (1).

(c) Unless the school is closed or merged, a school that is subject to improvement under this section becomes a turnaround academy under IC 20-31-9.5.

As added by P.L.1-2005, SEC.15. Amended by P.L.229-2011, SEC.189.

IC 20-31-9.5

Chapter 9.5. Turnaround Academies

IC 20-31-9.5-1

Exemption from provisions related to school employers; personnel decisions

Sec. 1. (a) None of the following may be considered a school employer under IC 20-29-6 with respect to a turnaround academy:

- (1) The state.
- (2) The state board.
- (3) A special management team assigned by the state board under IC 20-31-9-4 to operate a school as a turnaround academy.

(b) A special management team assigned under IC 20-31-9-4 to operate a school as a turnaround academy shall make all personnel decisions in the school. In operating the school as a turnaround academy under this chapter, the special management team is not bound by a contract entered into under IC 20-29.

As added by P.L.229-2011, SEC.190.

IC 20-31-9.5-2

Use of existing buildings; transportation; responsibilities of school corporation; hearing

Sec. 2. (a) If the state board assigns a special management team under IC 20-31-9-4 to operate a school as a turnaround academy, for as long as the special management team operates the turnaround academy:

- (1) the special management team shall continue to use the school building, the accompanying real property, and the building's contents, equipment, and supplies; and
- (2) the school corporation shall continue to:
 - (A) provide transportation for students attending the turnaround academy at the same level of service the school corporation provided before the school became a turnaround academy; and
 - (B) maintain and repair the buildings and grounds consistent with the maintenance and repair to the school corporation's other buildings and grounds.

The school corporation shall consult with the special management team regarding these matters.

(b) If the special management team contracts with a school corporation for goods or services, the school corporation may not charge the special management team more for the goods or services than the school corporation pays for the goods or services.

(c) The special management team and the school corporation's board shall hold a joint public meeting at least two (2) times each year to discuss issues and progress concerning the turnaround academy.

As added by P.L.229-2011, SEC.190.

IC 20-31-9.5-3

Allocation of state tuition support and federal funds; eligibility for other funds

Sec. 3. (a) Turnaround academies are eligible to receive building and technology loans administered by the state board from the common school fund.

(b) A student who attends a turnaround academy or another school subject to intervention under this chapter remains, under IC 20-43-4-1, an eligible pupil of the school corporation where the student has legal settlement.

(c) The state board, based upon recommendations received from the department, shall determine the amounts of state tuition support and federal funds that are necessary to fund options for improvement implemented by the state board under this chapter with respect to each turnaround academy.

(d) The department shall do the following:

(1) Withhold from state tuition support and federal funds otherwise to be distributed to the school corporation of the school operated as a turnaround academy under this chapter the amount determined under subsection (c) for the affected students. The amount withheld under this subdivision may not exceed the total per pupil funding for the affected students.

(2) Enter into any contracts necessary to implement the options for improvement implemented for the school by the state board, including contracts with a special management team assigned under IC 20-31-9-4 to operate the school as a turnaround academy.

(3) Make payments under the contracts entered into under subdivision (2) with funds withheld from the school corporation under subdivision (1).

As added by P.L.229-2011, SEC.190.

IC 20-31-9.5-4

Eligibility of students to enroll in turnaround academy

Sec. 4. Any student who lives in the attendance area served by a school that is operated as a turnaround academy under this chapter may attend the turnaround academy. The turnaround academy may not refuse enrollment to a student who lives in the attendance area.

As added by P.L.229-2011, SEC.190. Amended by P.L.6-2012, SEC.141.

IC 20-31-9.5-5

Oversight of special management team by mayor; petition

Sec. 5. (a) The executive of a city or county in which one (1) or more turnaround academies are located may petition the state board to oversee the special management team. The petition must include the following:

(1) The names of one (1) or more turnaround academies located within the executive's jurisdiction for which the executive wishes to conduct oversight.

- (2) The functions the executive wishes to perform.
- (3) Information on how and by whom those functions will be carried out.

(b) The state board may approve or not approve a petition under this section in whole or part.

As added by P.L.229-2011, SEC.190.

IC 20-31-9.5-6

Rules

Sec. 6. The state board may adopt rules under IC 4-22-2 to implement this chapter.

As added by P.L.229-2011, SEC.190.

IC 20-31-9.5-7

Contract; special management team; pensions; collective bargaining

Sec. 7. (a) If the state board assigns a special management team to a school, the state board shall enter into a contract with a special management team that includes the following provisions:

- (1) A requirement that the special management team and the governing body conduct a public meeting two (2) times each year to provide a report concerning:

- (A) student achievement of affected students; and
- (B) the condition of the school property and to address issues related to the school property.

- (2) A requirement that the student instruction must be provided by teachers licensed under IC 20-28-5.

(b) Individuals employed by the special management team are entitled to participate in either:

- (1) the state teachers' retirement fund created by IC 5-10.4; or
- (2) the public employees' retirement fund created by IC 5-10.3.

(c) Employees of a special management team are not required to organize and collectively bargain under IC 20-29-6.

As added by P.L.160-2012, SEC.52.

IC 20-31-9.5-8

Distributions to correct 2012 withholdings authorized; conditions; appropriation

Sec. 8. (a) If the state board, upon remand of the Marion County Circuit Court case of Board of School Commissioners of the City of Indianapolis v. Indiana State Board of Education and Indiana Department of Education (cause number 49D03-1206-MI-023257), determines that the Indianapolis public school corporation or any other school corporation is entitled to a distribution to correct the amount that was withheld under IC 20-31-9.5 during July through December 2012 from state tuition support and federal funds otherwise to be distributed to the school corporation, the following apply:

- (1) The state board shall make distributions to the following:
 - (A) The Indianapolis public school corporation.

(B) Any other school corporation affected by a redetermination of the amount that was withheld under IC 20-31-9.5 during July through December 2012.

(2) Before making a distribution to a school corporation under this section, the state board must obtain from the recipient school corporation an agreement that the school corporation will dismiss and not pursue any claims against the state or any state officer or entity, the special management team, or the turnaround academy with regard to distributions received by the special management team or turnaround academy under IC 20-31-9.5 during July through December 2012.

(b) There is appropriated from the state general fund to the state board for the 2012-2013 state fiscal year, seven million four hundred five thousand eight hundred ninety-two dollars (\$7,405,892) to make distributions as provided in subsection (a).

As added by P.L.205-2013, SEC.257.

IC 20-31-10

Chapter 10. Rules

IC 20-31-10-1

Adoption of rules

Sec. 1. The state board may adopt rules under IC 4-22-2 to implement this article.

As added by P.L.1-2005, SEC.15.

IC 20-31-11

Chapter 11. Performance Based Awards

IC 20-31-11-1

Award and incentive program

Sec. 1. The state board shall implement the performance based award and incentive program to recognize and reward schools that have exhibited relative improvement toward the performance benchmarks and indicators of performance listed in IC 20-20-8-8 that are considered appropriate for the school by the state superintendent and the state board.

As added by P.L.1-2005, SEC.15.

IC 20-31-11-2

Certification of information; notice of determination

Sec. 2. (a) The principal of each school shall, upon request of the department, certify to the department the information required to determine the school's relative improvement toward each of the benchmarks and indicators considered appropriate for the school under section 1 of this chapter.

(b) Upon receiving the information described under subsection (a) for at least two (2) consecutive years, the department shall make a determination as to whether a school exhibited relative improvement toward each of the benchmarks and indicators referred to in subsection (a). The department shall notify the school in writing of its determination.

As added by P.L.1-2005, SEC.15.

IC 20-31-11-3

Designation of schools receiving monetary award

Sec. 3. Upon determining the schools that have exhibited relative improvement toward at least two (2) of the benchmarks and indicators considered appropriate for the school under section 1 of this chapter, the department shall designate those schools that receive a monetary award under this chapter.

As added by P.L.1-2005, SEC.15.

IC 20-31-11-4

Monetary awards; reports; approval by governor

Sec. 4. (a) Before a school may receive a monetary award under this chapter, the department shall:

(1) prepare a written report:

(A) identifying the benchmarks and indicators considered appropriate for the school under section 1 of this chapter in which the school demonstrated relative improvement;

(B) describing the extent to which the school demonstrated relative improvement; and

(C) specifying the amount of the award sought for the school; and

(2) submit the written report to the budget committee for its

review.

(b) Before the department distributes a monetary award under this chapter, the governor must approve the specific award.

As added by P.L.1-2005, SEC.15.

IC 20-31-11-5

Nonmonetary awards

Sec. 5. The department may recognize and grant nonmonetary awards to schools that demonstrate relative improvement in at least one (1) of the benchmarks and indicators considered appropriate for the school under section 1 of this chapter.

As added by P.L.1-2005, SEC.15.

IC 20-31-11-6

Expenditure of monetary award

Sec. 6. (a) A public school that receives a monetary award under this chapter may expend that award for any educational purpose for that school, except:

- (1) athletics;
- (2) salaries for school personnel; or
- (3) salary bonuses for school personnel.

(b) A monetary award may not be used to determine the state tuition support under IC 20-43 of the school corporation in which the school receiving the monetary award is located.

As added by P.L.1-2005, SEC.15. Amended by P.L.2-2006, SEC.149; P.L.146-2008, SEC.474.

IC 20-31-11-7

Guidelines

Sec. 7. The department shall establish guidelines necessary to implement this chapter.

As added by P.L.1-2005, SEC.15.

IC 20-31-12

Chapter 12. School Recognition Programs

IC 20-31-12-1

"Recognition program"

Sec. 1. As used in this chapter, "recognition program" refers to a system by which a school is recognized for the school's performance, including programs established by statute, rule, or department policy. *As added by P.L.286-2013, SEC.107.*

IC 20-31-12-2

Establishment of criteria by the department

Sec. 2. The department may not establish criteria for a nonpublic school to be eligible for a recognition program that are different from the criteria established for a public school of the same grade levels. *As added by P.L.286-2013, SEC.107.*