

Second Regular Session of the 119th General Assembly (2016)

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 2015 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1394

AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 20-20-8-8, AS AMENDED BY SEA 3-2016, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) The report must include the following information:

- (1) Student enrollment.
- (2) Graduation rate (as defined in IC 20-26-13-6) and the graduation rate excluding students that receive a graduation waiver under IC 20-32-4-4.
- (3) Attendance rate.
- (4) The following test scores, including the number and percentage of students meeting academic standards:
 - (A) All state standardized assessment scores.
 - (B) Scores for assessments under IC 20-32-5-21, if appropriate.
 - (C) For a freeway school, scores on a locally adopted assessment program, if appropriate.
- (5) Average class size.
- (6) The school's performance category or designation of school improvement assigned under IC 20-31-8.
- (7) The number and percentage of students in the following groups or programs:
 - (A) Alternative education, if offered.

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- (B) Career and technical education.
 - (C) Special education.
 - (D) High ability.
 - (E) Remediation.
 - (F) Limited English language proficiency.
 - (G) Students receiving free or reduced price lunch under the national school lunch program.
 - (H) School flex program, if offered.
- (8) Advanced placement, including the following:
- (A) For advanced placement tests, the percentage of students:
 - (i) scoring three (3), four (4), and five (5); and
 - (ii) taking the test.
 - (B) For the Scholastic Aptitude Test:
 - (i) test scores for all students taking the test;
 - (ii) test scores for students completing the academic honors diploma program; and
 - (iii) the percentage of students taking the test.
- (9) Course completion, including the number and percentage of students completing the following programs:
- (A) Academic honors diploma.
 - (B) Core 40 curriculum.
 - (C) Career and technical programs.
- (10) The percentage of grade 8 students enrolled in algebra I.
- (11) The percentage of graduates considered college and career ready in a manner prescribed by the state board.
- (12) School safety, including:
- (A) the number of students receiving suspension or expulsion for the possession of alcohol, drugs, or weapons;
 - (B) the number of incidents reported under IC 20-33-9; and
 - (C) the number of bullying incidents reported under IC 20-34-6 by category.
- (13) Financial information and various school cost factors, including the following:
- (A) Expenditures per pupil.
 - (B) Average teacher salary.
 - (C) Remediation funding.
- (14) Interdistrict and intradistrict student mobility rates, if that information is available.
- (15) The number and percentage of each of the following within the school corporation:
- (A) Teachers who are certificated employees (as defined in IC 20-29-2-4).



(B) Teachers who teach the subject area for which the teacher is certified and holds a license.

(C) Teachers with national board certification.

(16) The percentage of grade 3 students reading at grade 3 level.

(17) The number of students expelled, including the number participating in other recognized education programs during their expulsion, including the percentage of students expelled by race, grade, gender, free or reduced price lunch status, and eligibility for special education.

(18) Chronic absenteeism, which includes the number of students who have been absent from school for ten percent (10%) or more of a school year for any reason.

(19) Habitual truancy, which includes the number of students who have been absent ten (10) days or more from school within a school year without being excused or without being absent under a parental request that has been filed with the school.

(20) The number of students who have dropped out of school, including the reasons for dropping out, including the percentage of students who have dropped out by race, grade, gender, free or reduced price lunch status, and eligibility for special education.

(21) The number of out of school suspensions assigned, including the percentage of students suspended by race, grade, gender, free or reduced price lunch status, and eligibility for special education.

(22) The number of in school suspensions assigned, including the percentage of students suspended by race, grade, gender, free or reduced price lunch status, and eligibility for special education.

(23) The number of student work permits revoked.

(24) The number of students receiving an international baccalaureate diploma.

(b) Section 3(a) of this chapter does not apply to the publication of information required under this subsection. This subsection applies to schools, including charter schools, located in a county having a consolidated city, including schools located in excluded cities (as defined in IC 36-3-1-7). **A separate report including** the information reported under subsection (a) must be disaggregated by race, grade, gender, free or reduced price lunch status, and eligibility for special education **and must be made available on the Internet as provided in section 3(b) of this chapter.**

SECTION 2. IC 20-24-3-4, AS AMENDED BY P.L.221-2015, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) An organizer may submit to the authorizer a proposal to establish a charter school.



- (b) A proposal must contain at least the following information:
- (1) Identification of the organizer.
 - (2) A description of the organizer's organizational structure and governance plan.
 - (3) The following information for the proposed charter school:
 - (A) Name.
 - (B) Purposes.
 - (C) Governance structure.
 - (D) Management structure.
 - (E) Educational mission goals.
 - (F) Curriculum and instructional methods.
 - (G) Methods of pupil assessment.
 - (H) Admission policy and criteria, subject to IC 20-24-5.
 - (I) School calendar.
 - (J) Age or grade range of students to be enrolled.
 - (K) A description of staff responsibilities.
 - (L) A description of the physical plant.
 - (M) Budget and financial plans.
 - (N) Personnel plan, including methods for selection, retention, and compensation of employees.
 - (O) Transportation plan.
 - (P) Discipline program, **subject to IC 20-24-5.5.**
 - (Q) Plan for compliance with any applicable desegregation order.
 - (R) The date when the charter school is expected to:
 - (i) begin school operations; and
 - (ii) have students attending the charter school.
 - (S) The arrangement for providing teachers and other staff with health insurance, retirement benefits, liability insurance, and other benefits.
 - (T) Any other applications submitted to an authorizer in the previous five (5) years.
 - (4) The manner in which the authorizer must conduct an annual audit of the program operations of the charter school.
- (c) In the case of a charter school proposal from an applicant that currently operates one (1) or more charter schools in any state or nation, the request for proposals shall additionally require the applicant to provide evidence of past performance and current capacity for growth.
- (d) If the proposal described in subsection (a) concerns an existing charter school overseen by a different authorizer than the authorizer to which the organizer is submitting the proposal, the proposal must



include written acknowledgement of the proposal from the current authorizer. Additionally, the authorizer receiving the proposal shall consult with the current authorizer before granting approval of the proposal.

- (e) This section does not waive, limit, or modify the provisions of:
- (1) IC 20-29 in a charter school where the teachers have chosen to organize under IC 20-29; or
 - (2) an existing collective bargaining agreement for noncertificated employees (as defined in IC 20-29-2-11).

SECTION 3. IC 20-24-5-5, AS AMENDED BY P.L.221-2015, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) Except as provided in subsections (b), (c), (d), ~~and~~ (e), ~~and~~ (f), a charter school must enroll any eligible student who submits a timely application for enrollment.

(b) This subsection applies if the number of applications for a program, class, grade level, or building exceeds the capacity of the program, class, grade level, or building. If a charter school receives a greater number of applications than there are spaces for students, each timely applicant must be given an equal chance of admission. The organizer must determine which of the applicants will be admitted to the charter school or the program, class, grade level, or building by random drawing in a public meeting, **with each timely applicant limited to one (1) entry in the drawing.**

(c) A charter school may limit new admissions to the charter school to:

- (1) ensure that a student who attends the charter school during a school year may continue to attend the charter school in subsequent years;
- (2) ensure that a student who attends a charter school during a school year may continue to attend a different charter school held by the same organizer in subsequent years;
- (3) allow the siblings of a student who attends a charter school or a charter school held by the same organizer to attend the same charter school the student is attending; and
- (4) allow preschool students who attend a Level 3 or Level 4 Paths to QUALITY program (as defined in IC 12-17.2-3.8-1) preschool to attend kindergarten at a charter school if the charter school and the preschool provider have entered into an agreement to share services or facilities.

(d) This subsection applies to an existing school that converts to a charter school under IC 20-24-11. During the school year in which the existing school converts to a charter school, the charter school may



limit admission to:

- (1) those students who were enrolled in the charter school on the date of the conversion; and
- (2) siblings of students described in subdivision (1).

(e) A charter school may give enrollment preference to children of the charter school's founders, governing body members, and charter school employees, as long as the enrollment preference under this subsection is not given to more than ten percent (10%) of the charter school's total population.

(f) A charter school may not suspend or expel a charter school student or otherwise request a charter school student to transfer to another school on the basis of the following:

- (1) Disability.**
- (2) Race.**
- (3) Color.**
- (4) Gender.**
- (5) National origin.**
- (6) Religion.**
- (7) Ancestry.**

A charter school student may be expelled or suspended only in a manner consistent with discipline rules established under IC 20-24-5.5.

SECTION 4. IC 20-24-5.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

Chapter 5.5. Student Discipline

Sec. 1. A charter school shall:

- (1) establish written discipline rules, which must include a graduated system of discipline and may include:**
 - (A) appropriate dress codes; and**
 - (B) if applicable, an agreement for court assisted resolution of school suspension and expulsion cases;****for the charter school; and**
- (2) publicize the discipline rules within the charter school where the discipline rules apply, which may include:**
 - (A) making a copy of the discipline rules available to students or parents, guardians, or custodians of students;**
 - or**
 - (B) delivering a copy of the discipline rules to students or parents, guardians, or custodians of students.**

The publicity requirement is satisfied if the charter school makes a good faith effort to disseminate the text or substance of the



discipline rules to students or parents, guardians, or custodians of students generally.

SECTION 5. IC 20-25.7-4-5, AS ADDED BY P.L.214-2015, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The board shall enter into an agreement with an innovation network team to establish an innovation network school or to reconstitute an eligible school as an innovation network school under section 3 or 4 of this chapter. An innovation network team may consist of or include teachers, a principal, a superintendent, or any combination of these individuals who were employed at the eligible school before the agreement is entered.

(b) The terms of the agreement must specify the following:

(1) A statement that the innovation network school is considered to be part of the school corporation and not considered a separate local educational agency.

(2) A statement that the innovation network team authorizes the department to include the innovation network school's performance assessment results under IC 20-31-8 when calculating the school corporation's performance assessment under rules adopted by the state board.

(3) The amount of state and federal funding, including tuition support, and money levied as property taxes that will be distributed by the school corporation to the innovation network school.

(4) The performance goals and accountability metrics agreed upon for the innovation network school.

(5) Grounds for termination of the agreement, including the right of termination if the innovation network team fails to:

(A) comply with the conditions or procedures established in the agreement;

(B) meet generally accepted fiscal management and government accounting principles;

(C) comply with applicable laws; or

(D) meet the educational goals set forth in the agreement between the board and the innovation network team.

(c) If an agreement is entered into under subsection (a), the board shall notify the department that an agreement has been entered into under this section within thirty (30) days after the agreement is entered into.

(d) Upon receipt of the notification under subsection (c), ~~the department shall,~~ for school years starting after the date of the agreement:



- (1) **the department shall** include the innovation network school's performance assessment results under IC 20-31-8 when calculating the school corporation's performance assessment under rules adopted by the state board; **and**
- (2) **the department shall** treat the innovation network school in the same manner as a school operated by the school corporation when calculating the total amount of state and federal funding to be distributed to the school corporation; **and**
- (3) **if requested by an innovation network school established under IC 20-25.5-4-2(a)(2) (before its repeal) or IC 20-25.7-4-4(a)(2), the department may use student growth as the state board's exclusive means to determine the innovation network school's category or designation of school improvement under 511 IAC 6.2-10-10 for a period of three (3) years.**

A school corporation and an innovation network school are not entitled to any state funding in addition to the amount the school corporation and school would otherwise be eligible to receive if the innovation network school were a public school maintained by the school corporation.

SECTION 6. IC 20-25.7-5-2, AS ADDED BY P.L.214-2015, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) Notwithstanding IC 20-26-7-1, the board may enter into an agreement with an organizer **to reconstitute an eligible school as a participating innovation network charter school or** to establish a participating innovation network charter school within a vacant, underutilized, or underenrolled school building, as determined by the board.

(b) The terms of the agreement entered into between the board and an organizer must specify the following:

- (1) A statement that the organizer authorizes the department to include the charter school's performance assessment results under IC 20-31-8 when calculating the school corporation's performance assessment under rules adopted by the state board.
- (2) The amount of state funding, including tuition support, and money levied as property taxes that will be distributed by the school corporation to the organizer.
- (3) The performance goals and accountability metrics agreed upon for the charter school in the charter agreement between the organizer and the authorizer.

(c) If an organizer and the board enter into an agreement under subsection (a), the organizer and the board shall notify the department



that the agreement has been made under this section within thirty (30) days after the agreement is entered into.

(d) Upon receipt of the notification under subsection (c), ~~the department shall~~, for school years starting after the date of the agreement:

- (1) **the department shall** include the participating innovation network charter school's performance assessment results under IC 20-31-8 when calculating the school corporation's performance assessment under rules adopted by the state board; ~~and~~
- (2) **the department shall** treat the participating innovation network charter school in the same manner as a school operated by the school corporation when calculating the total amount of state funding to be distributed to the school corporation; ~~and~~
- (3) **if requested by a participating innovation network charter school that reconstitutes an eligible school, the department may use student growth as the state board's exclusive means to determine the innovation network charter school's category or designation of school improvement under 511 IAC 6.2-10-10 for a period of three (3) years.**

SECTION 7. IC 20-25.7-5-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) IC 20-24-5-5 (with the exception of IC 20-24-5-5(f)) does not apply to a participating innovation network charter school that enters into an agreement with the board to reconstitute or establish an eligible school with a defined attendance area.

(b) Except as provided in subsection (c), a participating innovation network charter school must enroll any eligible student who submits a timely application for enrollment.

(c) A participating innovation network charter school that reconstitutes or establishes an eligible school with a defined attendance area may limit new admissions to the participating innovation network charter school to:

- (1) ensure that any student with legal settlement in the attendance area may attend the charter school;
- (2) ensure that a student who attends the participating innovation network charter school during a school year may continue to attend the charter school in subsequent years;
- (3) allow the siblings of a student who attends the participating innovation network charter school to attend the charter school; and
- (4) allow preschool students who attend a Level 3 or Level 4



Paths to QUALITY program (as defined in IC 12-17.2-3.8-1) preschool to attend kindergarten at the participating innovation network charter school if the participating innovation network charter school and the school corporation or preschool provider have entered into an agreement to share services or facilities.

(d) A participating innovation network charter school may give enrollment preferences to children of the participating innovation network charter school's founders, governing board members, and participating innovation network charter school employees, as long as the enrollment preference under this subsection is not given to more than ten percent (10%) of the participating innovation charter school's total population and there is sufficient capacity for a program, class, grade level, or building to ensure that any student with legal settlement in the attendance area may attend the school.

(e) This subsection applies if the number of applications for a program, class, grade level, or building exceeds the capacity of the program, class, grade level, or building. If a participating innovation network charter school receives a greater number of applications than there are spaces for students, each timely applicant must be given an equal chance of admission. The participating innovation network charter school must determine which of the applicants will be admitted to the participating innovation network charter school or the program, class, grade level, or building by random drawing in a public meeting with each timely applicant limited to one (1) entry in the drawing.

SECTION 8. IC 20-26-7-46 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 46. A person, organization, or other entity that enters into a contract or an agreement with a school corporation to conduct a feasibility or cost study to assist the school corporation in determining the cost of a controlled project as described in IC 6-1.1-20-3.1(a)(2) or IC 6-1.1-20-3.5(a) may not enter into a contract or agreement as the design professional on the controlled project with the school corporation to complete any part of the controlled project design unless the person, entity, or organization is awarded a contract as the design professional for the controlled project under IC 5-16-11.1.

SECTION 9. IC 20-28-7.5-2, AS AMENDED BY P.L.233-2015, SECTION 209, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) Before a teacher's contract is



canceled, the teacher has the following rights:

(1) The principal shall notify the teacher of the principal's preliminary decision. The notification must be:

(A) in writing; and

(B) delivered in person or mailed by registered or certified mail to the teacher at the teacher's last known address.

(2) The notice in subdivision (1) must include a written statement, subject to IC 5-14-3-4, giving the reasons for the preliminary decision.

(3) Notification due to a reduction in force must be delivered between May 1 and July 1.

(b) For a cancellation of a teacher's contract for a reason other than a reduction in force, the notice required under subsection (a)(1) must inform the teacher that, not later than five (5) days after the teacher's receipt of the notice, the teacher may request a private conference with the superintendent **or the assistant superintendent**. The superintendent **or the assistant superintendent, as applicable**, must set the requested meeting not later than ten (10) days after the request.

(c) At the conference between the superintendent **or the assistant superintendent, as applicable**, and the teacher, the teacher may be accompanied by a representative.

(d) After the conference between the superintendent **or the assistant superintendent, as applicable**, and the teacher, the superintendent **or the assistant superintendent, whoever attended the conference**, shall make a written recommendation to the governing body of the school corporation regarding the cancellation of the teacher's contract.

(e) If the teacher does not request a conference under subsection (b), the principal's preliminary decision is considered final.

(f) If a probationary, professional, or established teacher files a request with the governing body for an additional private conference not later than five (5) days after the initial private conference with the superintendent **or the assistant superintendent, as applicable**, the teacher is entitled to an additional private conference with the governing body before the governing body makes a final decision. The final decision must be in writing and must be made not more than thirty (30) days after the governing body receives the teacher's request for the additional private conference. At the private conference the governing body shall do the following:

(1) Allow the teacher to present evidence to refute the reason or reasons for contract cancellation and supporting evidence provided by the school corporation. Any evidence presented at the



private conference must have been exchanged by the parties at least seven (7) days before the private conference.

(2) Consider whether a preponderance of the evidence supports the cancellation of the teacher's contract.

SECTION 10. IC 20-28-7.5-8, AS AMENDED BY P.L.233-2015, SECTION 211, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. (a) This section does not apply to an individual who works at a conversion charter school (as defined in IC 20-24-1-5) for purposes of the individual's employment with the school corporation that sponsored the conversion charter school.

(b) A contract between a school corporation and a teacher is void if the teacher, at the time of signing the contract, is bound by a previous contract to teach in a public school and the contract is entered into **at any time during the school year or** less than fourteen (14) days before the day on which the teacher must report for work at that school. However, another contract may be signed by the teacher that will be effective if the teacher:

(1) furnishes the principal a release by the first employer; or

(2) shows proof that thirty (30) days written notice was delivered by the teacher to the first employer.

(c) A principal may request from a teacher, at the time of contracting, a written statement as to whether the teacher has signed another teaching contract. However, the teacher's failure to provide the statement is not a cause for subsequently voiding the contract.

SECTION 11. **An emergency is declared for this act.**



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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