

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. 1395

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AN ACT to amend the Indiana Code concerning education.

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

SECTION 1. IC 20-24.2-4-3, AS AMENDED BY P.L.233-2015, SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) Except as specifically provided in this article and section 4 of this chapter, the following provisions of this title and a rule or guideline adopted by the state board under one (1) of the following provisions of this title do not apply to a qualified district or qualified high school:

- (1) Provisions that do not apply to school corporations in general.
- (2) IC 20-20 (programs administered by the state), except for IC 20-20-1 (educational service centers) and IC 20-20-8 (school corporation annual performance report).
- (3) IC 20-28 (school teachers), except for IC 20-28-3-4 (teacher continuing education), IC 20-28-4-8 (hiring of transition to teaching participants; restrictions), IC 20-28-4-11 (transition to teaching participants; school corporation or subject area; transition to teaching permit), IC 20-28-5-8 (conviction of certain felonies; notice and hearing; permanent revocation of license; data base of school employees who have been reported), IC 20-28-6 (teacher contracts), IC 20-28-7.5 (cancellation of teacher contracts), IC 20-28-8 (contracts with school



administrators), IC 20-28-9 (teacher salary and related payments), IC 20-28-10 (conditions of employment), and IC 20-28-11.5 (staff performance evaluations).

(4) IC 20-30 (curriculum), except for IC 20-30-3-2 and IC 20-30-3-4 (patriotic commemorative observances), IC 20-30-5-13 (human sexuality instructional requirements), and IC 20-30-5-19 (personal financial responsibility instruction).

(5) IC 20-32 (student standards, assessments, and performance), except for IC 20-32-4 (graduation requirements), IC 20-32-5 (Indiana statewide testing for educational progress), and IC 20-32-8 (remediation).

~~(6) IC 20-36 (high ability students).~~

~~(7) (6) IC 20-37 (career and technical education).~~

(b) Notwithstanding any other law, a school corporation may not receive a decrease in state funding based upon the school corporation's status as a qualified district or the status of a high school within the school corporation as a qualified high school, or because of the implementation of a waiver of a statute or rule that is allowed to be waived by a qualified district or qualified high school.

SECTION 2. IC 20-24.2-4-4, AS AMENDED BY P.L.233-2015, SECTION 84, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. The following provisions of this title and rules and guidelines adopted under the following provisions of this title apply to a qualified district or qualified high school:

IC 20-20-1 (educational service centers).

IC 20-20-8 (school corporation annual performance report).

IC 20-23 (organization of school corporations).

IC 20-26 (school corporation general administrative provisions).

IC 20-27 (school transportation).

IC 20-28-3-4 (teacher continuing education).

IC 20-28-4-8 (hiring of transition to teaching participants; restrictions).

IC 20-28-4-11 (transition to teaching participants; school corporation or subject area; transition to teaching permit).

IC 20-28-5-8 (conviction of certain felonies; notice and hearing; permanent revocation of license; data base of school employees who have been reported).

IC 20-28-6 (teacher contracts).

IC 20-28-7.5 (cancellation of teacher contracts).

IC 20-28-8 (contracts with school administrators).

IC 20-28-9 (teacher salary and related payments).

IC 20-28-10 (conditions of employment).



IC 20-28-11.5 (staff performance evaluations).  
 IC 20-29 (collective bargaining for teachers).  
 IC 20-30-3-2 and IC 20-30-3-4 (patriotic commemorative observances).  
 IC 20-30-5-13 (human sexuality instructional requirements).  
 IC 20-30-5-19 (personal financial responsibility instruction).  
 IC 20-31 (accountability for school performance and improvement).  
 IC 20-32-4, IC 20-32-5, and IC 20-32-8 (accreditation, assessment, and remediation), or any other statute, rule, or guideline related to standardized assessments.  
 IC 20-33 (students: general provisions).  
 IC 20-34-3 (health and safety measures).  
 IC 20-35 (special education).  
**IC 20-36 (high ability students).**  
 IC 20-39 (accounting and financial reporting procedures).  
 IC 20-40 (government funds and accounts).  
 IC 20-41 (extracurricular funds and accounts).  
 IC 20-42.5 (allocation of expenditures to student instruction).  
 IC 20-43 (state tuition support).  
 IC 20-44 (property tax levies).  
 IC 20-45 (general fund levies).  
 IC 20-46 (levies other than general fund levies).  
 IC 20-47 (related entities; holding companies; lease agreements).  
 IC 20-48 (borrowing and bonds).  
 IC 20-49 (state management of common school funds; state advances and loans).  
 IC 20-50 (homeless children and foster care children).

SECTION 3. IC 20-32-5-6, AS ADDED BY P.L.1-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. **(a)** The scoring of student responses under an ISTEP program test:

- (1) must measure student achievement relative to the academic standards established by the state board;
- (2) must adhere to scoring rubrics and anchor papers; and
- (3) may not reflect the scorer's judgment of the values expressed by a student in the student's responses.

**(b) The scores of student responses under an ISTEP program test must be reported to the state board not later than July 1 of the year in which the ISTEP program test is administered.**

SECTION 4. IC 20-32-5-9, AS AMENDED BY P.L.219-2015, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



UPON PASSAGE]: Sec. 9. (a) After reports of student scores are returned to a school corporation, the school corporation shall promptly do the following:

- (1) Give each student and the student's parent the student's ISTEP program test scores.
- (2) Make available for inspection to each student and the student's parent the following:
  - (A) A copy of all questions that are not multiple choice, **gridded items, tech enhanced items**, or true and false and prompts used in assessing the student.
  - (B) A copy of the student's scored responses.
  - (C) A copy of the anchor papers and scoring rubrics used to score the student's responses.

A student's parent may request a rescoring of a student's responses to an ISTEP program test, including a student's essay.

(b) A student's ISTEP program test scores may not be disclosed to the public.

**(c) After the questions described in subsection (a)(2)(A) are released for inspection, the state board and department shall:**

- (1) post:**
  - (A) the questions; and**
  - (B) with the permission of each student's parent, student answers that are exemplary responses to the released questions;**

**on the Internet web sites of the state board and department;**  
**and**
- (2) publicize the availability of the questions and answers to school corporations, educators, and the public.**

**A student answer posted under this subsection may not identify the student who provided the answer.**

SECTION 5. IC 20-32-5-23 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 23. This chapter expires July 1, 2017.**

SECTION 6. [EFFECTIVE UPON PASSAGE] **(a) The definitions used in IC 20 apply throughout this SECTION.**

**(b) A panel is established to study alternatives to the ISTEP program tests and to make recommendations of its findings, including recommendations for replacing the ISTEP program under IC 20-32-5. The panel shall submit its recommendations in a final report to the governor and, in an electronic format under IC 5-14-6, to the general assembly not later than December 1, 2016. The panel shall consider the following when making its**



**recommendations:**

- (1) The feasibility of using existing tests or components or portions of existing tests other than the ISTEP program tests, as well as new testing approaches.**
- (2) Reducing testing time while maintaining assessment integrity.**
- (3) Reducing costs associated with the administration of a statewide assessment.**
- (4) Test transparency and fairness to schools, teachers, and students.**
- (5) The requirements of the Every Student Succeeds Act, including new school accountability metrics based on multiple measurements.**
- (6) How student test performance affects teacher evaluations.**
- (c) The panel consists of the following twenty-three (23) members:**
  - (1) The superintendent of public instruction.**
  - (2) The commissioner of the department of workforce development.**
  - (3) The commissioner of the commission for higher education.**
  - (4) The chairperson of the senate education and career development committee.**
  - (5) The chairperson of the house of representatives education committee.**
  - (6) A member of the state board elected by the state board with a majority vote not later than May 1, 2016.**
  - (7) The governor shall appoint the following five (5) members:**
    - (A) One (1) member who serves as chairperson of the panel. The member appointed as chairperson of the panel must be a current or former educator or school administrator.**
    - (B) One (1) member who is a teacher.**
    - (C) One (1) member who is a principal.**
    - (D) One (1) member who is a school superintendent.**
    - (E) One (1) member who is a faculty member or researcher at the college or university level and who has expertise in issues related to elementary and secondary education.**
  - (8) The president pro tempore of the senate shall appoint the following four (4) members:**
    - (A) One (1) member who is a teacher.**
    - (B) One (1) member who is a principal.**
    - (C) One (1) member who is a school superintendent.**



- (D) One (1) member who is business leader.
- (9) The speaker of the house of representatives shall appoint the following four (4) members:
- (A) One (1) member who is a teacher.
  - (B) One (1) member who is a principal.
  - (C) One (1) member who is a school superintendent.
  - (D) One (1) member who is a parent of a student in an elementary or secondary school.
- (10) The superintendent of public instruction shall appoint the following four (4) members:
- (A) One (1) member who is a teacher.
  - (B) One (1) member who is a principal.
  - (C) One (1) member who is a school superintendent.
  - (D) One (1) member representing a school employee organization (as defined in IC 20-29-2-14).
- (d) Members appointed under subsection (c) shall be appointed by the member's respective appointing authority not later than May 1, 2016. Each member appointed under subsection (c) serves at the will of the member's appointing authority.
- (e) A quorum of the panel consists of twelve (12) members. The affirmative vote of at least twelve (12) members of the panel is necessary for any action to be taken by the panel.
- (f) The panel shall meet at the call of the chairperson.
- (g) The legislative services agency shall provide administrative support for the panel. Upon request, the state board and the department shall provide research, data, and technical assistance for the panel in a timely manner.
- (h) Each member of the panel who is not a state employee is entitled to receive both of the following:
- (1) The minimum salary per diem provided by IC 4-10-11-2.1(b).
  - (2) Reimbursement for travel expenses, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.
- (i) Each member of the panel who is a state employee is entitled to reimbursement for travel expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.
- (j) Meetings of the panel must comply with IC 5-14-1.5.
- (k) This SECTION expires January 1, 2017.



**SECTION 7. [EFFECTIVE JULY 1, 2016] (a) The legislative services agency shall prepare legislation for introduction in the 2017 regular session of the general assembly to organize and correct statutes affected by this act.**

**(b) This SECTION expires December 31, 2018.**

**SECTION 8. An emergency is declared for this act.**



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Speaker of the House of Representatives

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President of the Senate

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President Pro Tempore

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

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