IC 20-24.2
ARTICLE 24.2. PERFORMANCE QUALIFIED SCHOOL DISTRICTS

IC 20-24.2-1
Chapter 1. Definitions

IC 20-24.2-1-1
Applicability of definitions
Sec. 1. The definitions in this chapter apply throughout this article.
As added by P.L.201-2013, SEC.1.

IC 20-24.2-1-2
"Qualified district"
Sec. 2. "Qualified district" refers to a performance qualified school district.
As added by P.L.201-2013, SEC.1.

IC 20-24.2-1-3
"Qualified high school"
Sec. 3. "Qualified high school" refers to a performance qualified high school or a high school that receives a waiver under IC 20-24.2-3.
As added by P.L.201-2013, SEC.1.
IC 20-24.2-2
Chapter 2. Establishment of Performance Qualified School Districts and High Schools

IC 20-24.2-2-1
Establishment; purposes
Sec. 1. Performance qualified school districts and high schools are established to provide flexibility in administration and instruction to school corporations and high schools that meet certain established performance criteria so that the school corporations and high schools may provide curriculum, instruction, programs, and educational innovations designed to engage students in achievement greater than the achievement required for the school corporations and high schools to be placed in the highest performance category or designation by the department under IC 20-31-8.
As added by P.L.201-2013, SEC.1.

IC 20-24.2-2-2
Designation criteria
Sec. 2. (a) To be designated as a qualified district, a school corporation must be placed in the highest performance and improvement category or designation by the department under IC 20-31-8 for the 2011-2012 school year or any school year thereafter.
(b) To be designated as a qualified high school, a high school must be placed in the highest performance and improvement category or designation by the department under IC 20-31-8 for the 2011-2012 school year or any school year thereafter.
(c) A school corporation or high school that has been certified under this section is exempt from any or all of the statutes and rules that are not set forth in IC 20-24.2-4-4, as selected by the governing body of the school corporation or high school.
As added by P.L.201-2013, SEC.1.

IC 20-24.2-2-3
Continuation of designation; failure to meet criteria
Sec. 3. (a) A school corporation that is designated as a qualified district under this chapter is considered a qualified district until:
(1) the school corporation's performance and improvement rating falls two (2) or more categories in a one (1) year period; or
(2) the school corporation receives a performance and improvement rating in the second highest category or designation or lower for two (2) consecutive years.
(b) A high school that is designated as a qualified high school under this chapter is considered a qualified high school until:
(1) the high school's performance and improvement rating falls two (2) or more categories in a one (1) year period; or
(2) the high school receives a performance and improvement rating in the second highest category or designation or lower for
two (2) consecutive years.

As added by P.L.201-2013, SEC.1.
IC 20-24.2-3
Chapter 3. Performance Qualified High School Waivers

IC 20-24.2-3-1
Waivers for certain high schools; state board criteria
Sec. 1. (a) Before July 31, 2013, the state board, with advice from the education roundtable established by IC 20-19-4-2, shall establish stringent criteria to be used to determine whether a high school that does not meet the requirements under IC 20-24.2-2-2(b) may receive a waiver to provide instructional days in the manner described in IC 20-24.2-4-2 and be exempt from any or all of the statutes and rules listed in IC 20-24.2-4-3. The state board's criteria to approve a high school's waiver request must be based on a method or methods of measuring academic standards of the high school, as approved by the state board. The criteria must require the curriculum and instruction of a high school to create academic performance at a high level through which students are college or career ready and globally competitive upon graduation from high school.

(b) Not later than November 1, 2013, the state board shall submit the criteria developed by the state board to grant a waiver under subsection (a) to the general assembly in an electronic format under IC 5-14-6. During the 2014 session of the general assembly, the general assembly may reject, modify, or codify the criteria developed by the state board under subsection (a).
As added by P.L.201-2013, SEC.1.

IC 20-24.2-3-2
Waiver requests; contents
Sec. 2. The principal of a high school, with the approval of the governing body of the school corporation, may submit a request for a waiver under this chapter. To be eligible for a waiver, the high school must:

(1) provide evidence that the high school meets the criteria established by the state board under section 1 of this chapter; and

(2) provide a detailed explanation of how a waiver under this chapter would be used to improve students' academic performance at the high school.
As added by P.L.201-2013, SEC.1.

IC 20-24.2-3-3
Waiver requests; effects of state board granting waivers
Sec. 3. (a) If a high school provides a waiver request that meets the requirements of section 2 of this chapter, the state board may grant the high school's waiver request and certify the high school as a qualified high school. If the state board grants the high school's waiver request, the high school is considered to be certified as a qualified high school and may provide student instructional days in the manner described in IC 20-24.2-4-2 and is exempt from any or all of the statutes and rules listed in IC 20-24.2-4-3. The certification is
effective beginning with the school year following the school year in which the high school is certified.

(b) The state board must act upon a high school's waiver request not later than sixty (60) days after the waiver request is submitted to the state board.

As added by P.L.201-2013, SEC.1.

IC 20-24.2-3-4

Failure to meet waiver criteria after receiving waiver

Sec. 4. A high school that is certified by the state board under this chapter is considered a qualified high school until the high school fails to meet the criteria established by the state board under section 1 of this chapter.

As added by P.L.201-2013, SEC.1.
IC 20-24.2-4
Chapter 4. Qualified District and Qualified High School
Powers and Exemptions

IC 20-24.2-4-1
Compliance with applicable laws and Constitutions
Sec. 1. (a) A qualified district or qualified high school shall ensure continued compliance with:
(1) applicable federal and state laws; and
(2) the Constitution of the United States and the Constitution of the State of Indiana.
(b) A qualified district or qualified high school is subject to all federal and state laws and constitutional provisions that prohibit discrimination.
As added by P.L.201-2013, SEC.1.

IC 20-24.2-4-2
Instructional time
Sec. 2. (a) During each school year, a qualified district or qualified high school shall provide at least sixty-four thousand eight hundred (64,800) minutes of instruction and learning for grades 9 through 12.
(b) A qualified district or qualified high school is not required to provide at least one hundred eighty (180) student instructional days. However, the total number of minutes of instruction provided in a school year under subsection (a) may not be less than the greatest total number of minutes provided during any one (1) school year of the five (5) school years immediately preceding the school year.
(c) Student activities that:
(1) are organized by the qualified district or qualified high school;
(2) occur outside the traditional classroom; and
(3) are designed to provide instruction, academic enrichment, or college and career readiness training;
are included as student instructional time under subsection (a).

IC 20-24.2-4-3
Statutory provisions that do not apply to qualified districts and qualified high schools
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), IC 20-30-5-17 (access to materials relating to personal analysis, evaluation, or survey of students; consent for participation), 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) 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.

As added by P.L.201-2013, SEC.1.

IC 20-24.2-4-4
Statutes that apply to qualified districts and qualified high schools

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 20-30-5-17 (access to materials relating to personal analysis, evaluation, or survey of students; consent for participation).
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 20-39 (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).

As added by P.L.201-2013, SEC.1.

IC 20-24.2-4-5

Permitted displays
Sec. 5. (a) A qualified district may display the words "Indiana Performance Qualified School District" on the qualified district's correspondence, Internet web site, and any other communications representing the qualified district.

(b) A qualified high school may display the words "Indiana Performance Qualified High School" on the high school's correspondence, Internet web site, and any other communications representing the high school.

As added by P.L.201-2013, SEC.1.
IC 20-24.2-5
Chapter 5. Rules

IC 20-24.2-5-1
State board; adoption of rules
   Sec. 1. The state board shall adopt rules under IC 4-22-2 to implement this article.
   As added by P.L.201-2013, SEC.1.

IC 20-24.2-5-2
State board; adoption of emergency rules
   Sec. 2. (a) The state board may adopt emergency rules in the manner provided under IC 4-22-2-37.1 to implement this article.
      (b) This section expires July 1, 2014.
   As added by P.L.201-2013, SEC.1.
IC 20-24.2-6
Chapter 6. Evaluation of Performance Qualified Program

IC 20-24.2-6-1
Repealed
(Repealed by P.L.53-2014, SEC.136.)