

SENATE BILL No. 425

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-1; IC 20-10.1-16.

Synopsis: Exemptions from ISTEP testing. Provides that the ISTEP scores of a student for whom the student's school corporation is entitled to receive a special education grant for students with severe disabilities: (1) may not be included in the benchmark reports for performance based awards and published by the school corporation; and (2) may be used only for diagnostic purposes for the student. Provides that a student for whom the student's school corporation is entitled to receive a special education grant for students with severe disabilities is not required to meet the educational proficiency standards tested in the graduation examination to be eligible to graduate.

Effective: July 1, 1999.

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January 13, 1999, read first time and referred to Committee on Education.

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First Regular Session 111th General Assembly (1999)

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 1998 General Assembly.

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SENATE BILL No. 425



A BILL FOR AN ACT to amend the Indiana Code concerning education.

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

1 SECTION 1. IC 20-1-1.3-3 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. The board shall
 3 implement the performance-based award and incentive program to
 4 recognize and reward schools that have exhibited relative improvement
 5 toward the performance benchmarks determined to be appropriate for
 6 the school by the superintendent and board, including the following
 7 benchmarks:

- 8 (1) Graduation rate.
- 9 (2) Attendance rate.
- 10 (3) ISTEP scores under the ISTEP program or a locally adopted
- 11 assessment program used by a freeway school, including the
- 12 number and percentage of students:
 - 13 (A) meeting an advanced standard; or
 - 14 (B) meeting a proficient standard.

15 **The scores of students for whom the school corporation is**
 16 **entitled to receive a special education grant in an amount**
 17 **determined under IC 21-3-10-8(1) may not be included in the**



- 1 **ISTEP test scores reported under this subdivision.**
 2 (4) Actual class size.
 3 (5) The number and percentage of students in the following
 4 groups or programs:
 5 (A) At risk.
 6 (B) Vocational education.
 7 (C) Special education.
 8 (D) Gifted or talented.
 9 (E) Remediation/preventative remediation.
 10 (F) Technology preparation.
 11 (6) Advanced placement, including the following:
 12 (A) For advanced placement tests, the number and percentage
 13 of students:
 14 (i) scoring three (3), four (4), and **five** (5); or
 15 (ii) participating.
 16 (B) For the Scholastic Aptitude Test, the number and
 17 percentage of students:
 18 (i) above a designated proficient score;
 19 (ii) above a designated advanced score; or
 20 (iii) participating.
 21 (7) Course completion, including the number and percentage of
 22 students completing the following programs:
 23 (A) Academic honors diploma.
 24 (B) Core 40 curriculum.
 25 (C) Vocational programs.
 26 (8) The percentage of graduates who pursue higher education.
 27 (9) School safety, including the number and percentage of
 28 students receiving suspension or expulsion for the possession of
 29 alcohol, drugs, or weapons.
 30 (10) Financial information relevant to performance.
 31 SECTION 2. IC 20-1-21-9 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 9. The report must
 33 include the following benchmarks:
 34 (1) Graduation rate.
 35 (2) Attendance rate.
 36 (3) ISTEP test scores, or, for a freeway school, scores on a locally
 37 adopted assessment program, if appropriate, including the number
 38 and percentage of students:
 39 (A) meeting an advanced standard; or
 40 (B) meeting a proficient standard.
 41 **The scores of students for whom the school corporation is**
 42 **entitled to receive a special education grant in an amount**

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- 1 **determined under IC 21-3-10-8(1) may not be included in the**
 2 **ISTEP test scores reported under this subdivision.**
 3 (4) Actual class size.
 4 (5) The number and percentage of students in the following
 5 groups or programs:
 6 (A) At risk.
 7 (B) Vocational education.
 8 (C) Special education.
 9 (D) Gifted or talented.
 10 (E) Remediation/preventative remediation.
 11 (6) Advanced placement, including the following:
 12 (A) For advanced placement tests, the number and percentage
 13 of students:
 14 (i) scoring three (3), four (4), and **five** (5); or
 15 (ii) participating.
 16 (B) For the Scholastic Aptitude Test, the number and
 17 percentage of students:
 18 (i) above a designated proficient score;
 19 (ii) above a designated advanced score; or
 20 (iii) participating.
 21 (7) Course completion, including the number and percentage of
 22 students completing the following programs:
 23 (A) Academic honors diploma.
 24 (B) Core 40 curriculum.
 25 (C) Vocational programs.
 26 (8) The percentage of graduates who pursue higher education.
 27 (9) School safety, including the number and percentage of
 28 students receiving suspension or expulsion for the possession of
 29 alcohol, drugs, or weapons.
 30 (10) Financial information relevant to performance.
 31 SECTION 3. IC 20-10.1-16-8 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 8. (a) The state
 33 superintendent shall develop an ISTEP program testing schedule in
 34 which each student in grades 3, 6, 8, and 10 must be tested and each
 35 student must take a graduation examination.
 36 (b) A student who is a child with a disability (as defined in
 37 IC 20-1-6-1) shall be tested under this chapter with appropriate
 38 accommodations in testing materials and procedures unless the
 39 individuals who develop the child's individualized education program
 40 determine that testing under this chapter, or a part of the testing, is not
 41 appropriate for the student and that an alternate assessment will be
 42 used to test the student's achievement. **A test administered to a**

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1 **student for whom the school corporation is entitled to receive a**
 2 **special education grant in an amount determined under**
 3 **IC 21-3-10-8(1) may be used only for diagnostic purposes.**

4 (c) Any decision with regard to a student who is a child with a
 5 disability (as defined in IC 20-1-6-1) to participate in testing under this
 6 chapter, to receive accommodations in testing materials and ~~procedure,~~
 7 **procedures**, to participate in remediation under IC 20-10.1-17, or to be
 8 retained at the same grade level for consecutive school years shall be
 9 made in accordance with the child's individualized education program,
 10 subject to the ISTEP program manual, and federal law.

11 SECTION 4. IC 20-10.1-16-13 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 13. (a) **Except as**
 13 **provided in subsection (f)**, beginning with the class of students who
 14 expect to graduate during the 1999-2000 school year, each student is
 15 required to meet:

- 16 (1) the educational proficiency standard tested in the graduation
 17 examination; and
 18 (2) any additional requirements established by the governing
 19 body;

20 to be eligible to graduate.

21 (b) A student who does not meet the educational proficiency
 22 standard tested in the graduation examination shall be given the
 23 opportunity to be tested during each semester of each grade following
 24 the grade in which the student is initially tested until the student
 25 achieves a passing score.

26 (c) The board shall develop and adopt a procedure to enable
 27 students who:

- 28 (1) undergo the graduation examination; and
 29 (2) do not receive a passing score on the graduation examination;

30 to appeal their particular results. The rules adopted by the board must
 31 provide for the specific eligible bases for which an appeal may be made
 32 and must include as one (1) basis for which an appeal may be made the
 33 submission by the appellant student of written evidence indicating that
 34 the student's teacher in areas tested by the graduation examination and
 35 principal, in their professional judgment, believe that the student's
 36 graduation examination results do not accurately reflect the student's
 37 attainment of the educational proficiency standard.

38 (d) A student who does not meet the educational proficiency
 39 standard tested in the graduation examination may:

- 40 (1) have the educational proficiency standard requirement
 41 waived; and
 42 (2) be eligible to graduate;



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1 if the principal of the school the student attends certifies that the
2 student will within one (1) month of the student's scheduled graduation
3 date successfully complete all components of the Core 40 curriculum
4 as established by the board under IC 20-10.1-5.7-1.

5 (e) The state board of education shall determine the appropriate
6 grade during which a student may initially undergo the graduation
7 examination. The grade established under this subsection must be
8 higher than grade 9.

9 (f) **Notwithstanding subsection (a), a student for whom the**
10 **student's school corporation is entitled to receive a special**
11 **education grant in an amount determined under IC 21-3-10-8(1) is**
12 **not required to meet the educational proficiency standard tested in**
13 **the graduation examination to be eligible to graduate.**

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