
SENATE BILL No. 519

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-18-2; IC 20-19-4-10; IC 20-20; IC 20-24; IC 20-26-15; IC 20-28; IC 20-30-2-2.2; IC 20-31; IC 20-32; IC 20-33-2-13.

Synopsis: ISTEP. Replaces the ISTEP test program with the Measures of Academic Progress assessment system. Repeals the definition of "ISTEP program". Makes conforming changes.

Effective: July 1, 2011.

Waterman

January 18, 2011, read first time and referred to Committee on Education and Career Development.

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First Regular Session 117th General Assembly (2011)

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 2010 Regular Session of the General Assembly.

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SENATE BILL No. 519



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 20-18-2-2.2 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2011]: **Sec. 2.2. "Assessment program" refers to the testing**
4 **program administered under IC 20-32-5.**

5 SECTION 2. IC 20-18-2-6, AS ADDED BY P.L.1-2005, SECTION
6 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
7 2011]: Sec. 6. "Graduation examination" means the test designated by
8 the board under the ~~ISTEP~~ **assessment** program.

9 SECTION 3. IC 20-19-4-10, AS ADDED BY P.L.1-2005,
10 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 JULY 1, 2011]: Sec. 10. The roundtable shall review and recommend
12 to the state board for the state board's approval the following:

13 (1) The academic standards under IC 20-31-3, IC 20-32-4,
14 IC 20-32-5, and IC 20-32-6 for all grade levels from kindergarten
15 through grade 12.

16 (2) The content and format of the ~~ISTEP~~ **assessment** program,
17 including the following:



- 1 (A) The graduation examination.
- 2 (B) The passing scores required at the various grade levels
- 3 tested under the **ISTEP assessment** program.
- 4 SECTION 4. IC 20-20-8-6, AS AMENDED BY P.L.2-2007,
- 5 SECTION 203, IS AMENDED TO READ AS FOLLOWS
- 6 [EFFECTIVE JULY 1, 2011]: Sec. 6. A report must contain the
- 7 following:
- 8 (1) The information listed in section 8 of this chapter for each of
- 9 the preceding three (3) years.
- 10 (2) Additional components determined under section 7(4) of this
- 11 chapter.
- 12 (3) Additional information or explanation that the governing body
- 13 wishes to include, including the following:
- 14 (A) Results of nationally recognized assessments of students
- 15 under programs other than the **ISTEP assessment** program that
- 16 a school corporation, including a charter school, uses to
- 17 determine if students are meeting or exceeding academic
- 18 standards in grades that are tested under the **ISTEP**
- 19 **assessment** program.
- 20 (B) Results of assessments of students under programs other
- 21 than the **ISTEP assessment** program that a school corporation
- 22 uses to determine if students are meeting or exceeding
- 23 academic standards in grades that are not tested under the
- 24 **ISTEP assessment** program.
- 25 (C) The number and types of staff professional development
- 26 programs.
- 27 (D) The number and types of partnerships with the
- 28 community, business, or postsecondary education.
- 29 (E) Levels of parental participation.
- 30 SECTION 5. IC 20-20-8-8, AS AMENDED BY P.L.3-2008,
- 31 SECTION 115, IS AMENDED TO READ AS FOLLOWS
- 32 [EFFECTIVE JULY 1, 2011]: Sec. 8. The report must include the
- 33 following information:
- 34 (1) Student enrollment.
- 35 (2) Graduation rate (as defined in IC 20-26-13-6).
- 36 (3) Attendance rate.
- 37 (4) The following test scores, including the number and
- 38 percentage of students meeting academic standards:
- 39 (A) **ISTEP Assessment** program test scores.
- 40 (B) Scores for assessments under IC 20-32-5-21, if
- 41 appropriate.
- 42 (C) For a freeway school, scores on a locally adopted

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- 1 assessment program, if appropriate.
- 2 (5) Average class size.
- 3 (6) The number and percentage of students in the following
- 4 groups or programs:
- 5 (A) Alternative education, if offered.
- 6 (B) Career and technical education.
- 7 (C) Special education.
- 8 (D) High ability.
- 9 (E) Remediation.
- 10 (F) Limited English language proficiency.
- 11 (G) Students receiving free or reduced price lunch under the
- 12 national school lunch program.
- 13 (H) School flex program, if offered.
- 14 (7) Advanced placement, including the following:
- 15 (A) For advanced placement tests, the percentage of students:
- 16 (i) scoring three (3), four (4), and five (5); and
- 17 (ii) taking the test.
- 18 (B) For the Scholastic Aptitude Test:
- 19 (i) test scores for all students taking the test;
- 20 (ii) test scores for students completing the academic honors
- 21 diploma program; and
- 22 (iii) the percentage of students taking the test.
- 23 (8) Course completion, including the number and percentage of
- 24 students completing the following programs:
- 25 (A) Academic honors diploma.
- 26 (B) Core 40 curriculum.
- 27 (C) Career and technical programs.
- 28 (9) The percentage of grade 8 students enrolled in algebra I.
- 29 (10) The percentage of graduates who pursue higher education.
- 30 (11) School safety, including:
- 31 (A) the number of students receiving suspension or expulsion
- 32 for the possession of alcohol, drugs, or weapons; and
- 33 (B) the number of incidents reported under IC 20-33-9.
- 34 (12) Financial information and various school cost factors,
- 35 including the following:
- 36 (A) Expenditures per pupil.
- 37 (B) Average teacher salary.
- 38 (C) Remediation funding.
- 39 (13) Technology accessibility and use of technology in
- 40 instruction.
- 41 (14) Interdistrict and intradistrict student mobility rates, if that
- 42 information is available.

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- 1 (15) The number and percentage of each of the following within
- 2 the school corporation:
- 3 (A) Teachers who are certificated employees (as defined in
- 4 IC 20-29-2-4).
- 5 (B) Teachers who teach the subject area for which the teacher
- 6 is certified and holds a license.
- 7 (C) Teachers with national board certification.
- 8 (16) The percentage of grade 3 students reading at grade 3 level.
- 9 (17) The number of students expelled, including the number
- 10 participating in other recognized education programs during their
- 11 expulsion.
- 12 (18) Chronic absenteeism, which includes the number of students
- 13 who have been absent more than ten (10) days from school within
- 14 a school year without being excused.
- 15 (19) The number of students who have dropped out of school,
- 16 including the reasons for dropping out.
- 17 (20) The number of student work permits revoked.
- 18 (21) The number of student driver's licenses revoked.
- 19 (22) The number of students who have not advanced to grade 10
- 20 due to a lack of completed credits.
- 21 (23) The number of students suspended for any reason.
- 22 (24) The number of students receiving an international
- 23 baccalaureate diploma.
- 24 (25) Other indicators of performance as recommended by the
- 25 education roundtable under IC 20-19-4.

26 SECTION 6. IC 20-20-26-3, AS ADDED BY P.L.1-2005,
 27 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2011]: Sec. 3. Readiness testing under this chapter is in
 29 addition to **ISTEP assessment** program testing under IC 20-32-5.

30 SECTION 7. IC 20-20-31-10, AS ADDED BY P.L.246-2005,
 31 SECTION 128, IS AMENDED TO READ AS FOLLOWS
 32 [EFFECTIVE JULY 1, 2011]: Sec. 10. The state board shall approve
 33 an evaluation system for professional development based on
 34 recommendations from the department and the advisory board of the
 35 division of professional standards established by IC 20-28-2-2. The
 36 department shall develop a means for measuring successful programs
 37 and activities in which schools participate. The measurements must
 38 include the following:

- 39 (1) A mechanism to identify and develop strategies to collect
- 40 multiple forms of data that reflect the achievement of expectations
- 41 for all students. The data may include the results of **ISTEP**
- 42 **assessment** program tests under IC 20-31-3, IC 20-32-4,

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- 1 IC 20-32-5, and IC 20-32-6, local tests, classroom work, and
 2 teacher and administrator observations.
- 3 (2) A procedure for using collected data to make decisions.
- 4 (3) A method of evaluation in terms of educator's practice and
 5 student learning, including standards for effective teaching and
 6 effective professional development.
- 7 SECTION 8. IC 20-24-4-1, AS ADDED BY P.L.1-2005, SECTION
 8 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 9 2011]: Sec. 1. A charter must meet the following requirements:
- 10 (1) Be a written instrument.
- 11 (2) Be executed by a sponsor and an organizer.
- 12 (3) Confer certain rights, franchises, privileges, and obligations
 13 on a charter school.
- 14 (4) Confirm the status of a charter school as a public school.
- 15 (5) Be granted for:
- 16 (A) not less than three (3) years; and
 17 (B) a fixed number of years agreed to by the sponsor and the
 18 organizer.
- 19 (6) Provide for:
- 20 (A) a review by the sponsor of the charter school's
 21 performance, including the progress of the charter school in
 22 achieving the academic goals set forth in the charter, at least
 23 one (1) time in each five (5) year period while the charter is in
 24 effect; and
 25 (B) renewal, if the sponsor and the organizer agree to renew
 26 the charter.
- 27 (7) Specify the grounds for the sponsor to:
- 28 (A) revoke the charter before the end of the term for which the
 29 charter is granted; or
 30 (B) not renew a charter.
- 31 (8) Set forth the methods by which the charter school will be held
 32 accountable for achieving the educational mission and goals of
 33 the charter school, including the following:
- 34 (A) Evidence of improvement in:
- 35 (i) assessment measures, including the ~~ISTEP~~ **assessment**
 36 program and the graduation examination;
 37 (ii) attendance rates;
 38 (iii) graduation rates (if appropriate);
 39 (iv) increased numbers of Core 40 diplomas (if appropriate);
 40 and
 41 (v) increased numbers of academic honors diplomas (if
 42 appropriate).

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- 1 (B) Evidence of progress toward reaching the educational
- 2 goals set by the organizer.
- 3 (9) Describe the method to be used to monitor the charter
- 4 school's:
- 5 (A) compliance with applicable law; and
- 6 (B) performance in meeting targeted educational performance.
- 7 (10) Specify that the sponsor and the organizer may amend the
- 8 charter during the term of the charter by mutual consent and
- 9 describe the process for amending the charter.
- 10 (11) Describe specific operating requirements, including all the
- 11 matters set forth in the application for the charter.
- 12 (12) Specify a date when the charter school will:
- 13 (A) begin school operations; and
- 14 (B) have students attending the charter school.
- 15 (13) Specify that records of a charter school relating to the
- 16 school's operation and charter are subject to inspection and
- 17 copying to the same extent that records of a public school are
- 18 subject to inspection and copying under IC 5-14-3.
- 19 (14) Specify that records provided by the charter school to the
- 20 department or sponsor that relate to compliance by the organizer
- 21 with the terms of the charter or applicable state or federal laws are
- 22 subject to inspection and copying in accordance with IC 5-14-3.
- 23 (15) Specify that the charter school is subject to the requirements
- 24 of IC 5-14-1.5.

25 SECTION 9. IC 20-24-9-2, AS ADDED BY P.L.1-2005, SECTION
 26 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 27 2011]: Sec. 2. An annual report under this chapter must contain the
 28 following information for a charter school:

- 29 (1) Results of all standardized testing, including ~~ISTEP~~
- 30 **assessment** program testing and the graduation examination.
- 31 (2) A description of the educational methods and teaching
- 32 methods employed.
- 33 (3) Daily attendance records.
- 34 (4) Graduation statistics (if appropriate), including attainment of
- 35 Core 40 and academic honors diplomas.
- 36 (5) Student enrollment data, including the following:
- 37 (A) The number of students enrolled.
- 38 (B) The number of students expelled.
- 39 (C) The number of students who discontinued attendance at
- 40 the charter school and the reasons for the discontinuation.

41 SECTION 10. IC 20-26-15-5, AS ADDED BY P.L.1-2005,
 42 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 JULY 1, 2011]: Sec. 5. Notwithstanding any other law, the operation
 2 of the following is suspended for a freeway school corporation or a
 3 freeway school if the governing body of the school corporation elects
 4 to have the specific statute or rule suspended in the contract:

5 (1) The following statutes and rules concerning curriculum and
 6 instructional time:

7 IC 20-30-2-7

8 IC 20-30-5-8

9 IC 20-30-5-9

10 IC 20-30-5-11

11 511 IAC 6-7-6

12 511 IAC 6.1-3-4

13 511 IAC 6.1-5-0.5

14 511 IAC 6.1-5-1

15 511 IAC 6.1-5-2.5

16 511 IAC 6.1-5-3.5

17 511 IAC 6.1-5-4.

18 (2) The following rule concerning pupil/teacher ratios:

19 511 IAC 6.1-4-1.

20 (3) The following statutes and rules concerning textbooks:

21 IC 20-20-5-1 through IC 20-20-5-4

22 IC 20-20-5-23

23 IC 20-26-12-24

24 IC 20-26-12-26

25 IC 20-26-12-28

26 IC 20-26-12-1

27 IC 20-26-12-2

28 511 IAC 6.1-5-5.

29 (4) 511 IAC 6-7, concerning graduation requirements.

30 (5) IC 20-31-4, concerning the performance based accreditation
 31 system.

32 (6) IC 20-32-5, concerning the ~~ISTEP~~ **assessment** program
 33 established under IC 20-32-5-15, if an alternative locally adopted
 34 assessment program is adopted under section 6(7) of this chapter.

35 SECTION 11. IC 20-26-15-6, AS AMENDED BY P.L.2-2006,
 36 SECTION 135, IS AMENDED TO READ AS FOLLOWS
 37 [EFFECTIVE JULY 1, 2011]: Sec. 6. Except as provided in this
 38 chapter and notwithstanding any other law, a freeway school
 39 corporation or a freeway school may do the following during the
 40 contract period:

41 (1) Disregard the observance of any statute or rule that is listed in
 42 the contract.

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- 1 (2) Lease school transportation equipment to others for nonschool
- 2 use when the equipment is not in use for a school corporation
- 3 purpose, if the lessee has not received a bid from a private entity
- 4 to provide transportation equipment or services for the same
- 5 purpose.
- 6 (3) Replace the budget and accounting system that is required by
- 7 law with a budget or accounting system that is frequently used in
- 8 the private business community. The state board of accounts may
- 9 not go beyond the requirements imposed upon the state board of
- 10 accounts by statute in reviewing the budget and accounting
- 11 system used by a freeway school corporation or a freeway school.
- 12 (4) Establish a professional development and technology fund to
- 13 be used for:
 - 14 (A) professional development; or
 - 15 (B) technology, including video distance learning.
- 16 However, any money deposited in the professional development
- 17 and technology fund for technology purposes must be transferred
- 18 to the school technology fund.
- 19 (5) Subject to subdivision (4), transfer funds obtained from
- 20 sources other than state or local government taxation among any
- 21 accounts of the school corporation, including a professional
- 22 development and technology fund established under subdivision
- 23 (4).
- 24 (6) Transfer funds obtained from property taxation and from state
- 25 distributions among the general fund and the school
- 26 transportation fund, subject to the following:
 - 27 (A) The sum of the property tax rates for the general fund and
 - 28 the school transportation fund after a transfer occurs under this
 - 29 subdivision may not exceed the sum of the property tax rates
 - 30 for the general fund and the school transportation fund before
 - 31 a transfer occurs under this subdivision.
 - 32 (B) This subdivision does not allow a school corporation to
 - 33 transfer to any other fund money from the:
 - 34 (i) capital projects fund; or
 - 35 (ii) debt service fund.
- 36 (7) Establish a locally adopted assessment program to replace the
- 37 assessment of students under the ~~ISTEP~~ **assessment** program
- 38 established under IC 20-32-5-15, subject to the following:
 - 39 (A) A locally adopted assessment program must be established
 - 40 by the governing body and approved by the department.
 - 41 (B) A locally adopted assessment program may use a locally
 - 42 developed test or a nationally developed test.

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1 (C) Results of assessments under a locally adopted assessment
 2 program are subject to the same reporting requirements as
 3 results under the ~~ISTEP~~ **assessment** program **established**
 4 **under IC 20-32-5-15.**

5 (D) Each student who completes a locally adopted assessment
 6 program and the student's parent have the same rights to
 7 inspection and rescoring as set forth in IC 20-32-5-9.

8 SECTION 12. IC 20-26-15-7, AS ADDED BY P.L.1-2005,
 9 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2011]: Sec. 7. The minimum educational benefits that a
 11 freeway school corporation or a freeway school must produce under
 12 this chapter are the following:

13 (1) An average attendance rate that increases:

14 (A) not less than two percent (2%) each school year until the
 15 average attendance rate is eighty-five percent (85%); and

16 (B) one percent (1%) each school year until the average
 17 attendance rate is ninety percent (90%).

18 (2) A successful completion rate of the assessment program by
 19 meeting essential standards under the ~~ISTEP~~ **assessment** program
 20 (IC 20-32-5) or a locally adopted assessment program established
 21 under section 6(7) of this chapter that increases:

22 (A) not less than two percent (2%) each school year until the
 23 successful completion rate is not less than eighty-five percent
 24 (85%); and

25 (B) one percent (1%) each school year until the successful
 26 completion rate is not less than ninety percent (90%);

27 of the students in the designated grade levels under the ~~ISTEP~~
 28 **assessment** program (IC 20-32-5) or the locally adopted
 29 **assessment** program that are grades contained in the freeway
 30 school corporation or freeway school.

31 (3) Beginning with the class of students who expect to graduate
 32 four (4) years after a freeway school corporation or a freeway
 33 school that is a high school obtains freeway status, a graduation
 34 rate as determined under 511 IAC 6.1-1-2(k) that increases:

35 (A) not less than two percent (2%) each school year until the
 36 graduation rate is not less than eighty-five percent (85%); and

37 (B) one percent (1%) each school year until the graduation rate
 38 is ninety percent (90%).

39 After a freeway school corporation or a freeway school has achieved
 40 the minimum rates required under subdivisions (1) through (3), the
 41 freeway school corporation or freeway school must either maintain the
 42 minimum required rates or show continued improvement of those rates.

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1 SECTION 13. IC 20-28-8-5, AS ADDED BY P.L.1-2005,
 2 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2011]: Sec. 5. The evaluation of a principal's performance
 4 may not be based wholly on the **ISTEP assessment** program test scores
 5 under IC 20-32-5 of the students enrolled at the principal's school.
 6 However, the **ISTEP assessment** program test scores under IC 20-32-5
 7 of the students enrolled at a principal's school may be considered as
 8 one (1) of the factors in the evaluation of the principal's overall
 9 performance at the school.

10 SECTION 14. IC 20-28-11-3, AS AMENDED BY
 11 P.L.182-2009(ss), SECTION 514, IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. Each plan:

- 13 (1) must provide for the improvement of the performance of the
 14 individuals evaluated;
 15 (2) must provide for the growth and development of the
 16 individuals evaluated;
 17 (3) must require periodic assessment of the effectiveness of the
 18 plan;
 19 (4) must provide that nonpermanent and semipermanent teachers
 20 receive:

21 (A) an evaluation on or before December 31 each year; and

22 (B) if requested by that teacher, an additional evaluation on or
 23 before March 1 of the following year;

- 24 (5) may provide a basis for making employment decisions; and
 25 (6) if federal rules, regulations, or directives require the use of
 26 collective program results of tests to evaluate educators in order
 27 to qualify for those federal funds, collective program results of
 28 tests used by any school corporation that would receive federal
 29 funds may be used as a factor, but not the sole factor, to evaluate
 30 educators. If collective testing results are used as a factor in
 31 evaluations by a school corporation, they must be applied to all
 32 educators in that school corporation.

33 Except as provided in subdivision (6), the plan may not provide for an
 34 evaluation that is based in whole or in part on the **ISTEP assessment**
 35 program test scores of the students in the school corporation.

36 SECTION 15. IC 20-30-2-2.2, AS ADDED BY P.L.242-2005,
 37 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2011]: Sec. 2.2. (a) As used in this section, "eligible student"
 39 means a student in grade 11 or 12 who has:

40 (1) failed the **ISTEP+ assessment program** graduation exam at
 41 least twice;

42 (2) been determined to be chronically absent, by missing more

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- 1 than ten (10) unexcused days of school in one (1) school year;
- 2 (3) been determined to be a habitual truant, as identified under
- 3 IC 20-33-2-11;
- 4 (4) been significantly behind in credits for graduation, as
- 5 identified by an individual's school principal;
- 6 (5) previously undergone at least a second suspension from school
- 7 for the school year under IC 20-33-8-14 or IC 20-33-8-15;
- 8 (6) previously undergone an expulsion from school under
- 9 IC 20-33-8-14, IC 20-33-8-15, or IC 20-33-8-16; or
- 10 (7) been determined by the individual's principal and the
- 11 individual's parent or guardian to benefit by participating in the
- 12 school flex program.

13 (b) An eligible student who participates in a school flex program
 14 must:

- 15 (1) attend school for at least three (3) hours of instructional time
- 16 per school day;
- 17 (2) pursue a timely graduation;
- 18 (3) provide evidence of college or technical career education
- 19 enrollment and attendance or proof of employment and labor that
- 20 is aligned with the student's career academic sequence under rules
- 21 established by the Indiana bureau of child labor;
- 22 (4) not be suspended or expelled while participating in a school
- 23 flex program;
- 24 (5) pursue course and credit requirements for a general diploma;
- 25 and
- 26 (6) maintain a ninety-five percent (95%) attendance rate.

27 (c) A school may allow an eligible student in grade 11 or 12 to
 28 complete an instructional day that consists of three (3) hours of
 29 instructional time if the student participates in the school flex program.

30 (d) If one (1) or more students participate in a school flex program,
 31 the principal shall, on forms provided by the department, submit a
 32 yearly report to the department of student participation and graduation
 33 rates of students who participate in the school flex program.

34 SECTION 16. IC 20-30-4-2, AS AMENDED BY P.L.140-2008,
 35 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2011]: Sec. 2. In consultation with the student's guidance
 37 counselor, after seeking consultation with each student's parents, and
 38 not later than the date on which the student completes grade 9, each
 39 student shall further develop the graduation plan developed in grade 6
 40 under section 1.5 of this chapter to also include the following:

- 41 (1) The subject and skill areas of interest to the student.
- 42 (2) A program of study under the college/technology preparation

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- 1 curriculum adopted by the state board under IC 20-30-10-2 for
- 2 grades 10, 11, and 12 that meets the interests and aptitude of the
- 3 student.
- 4 (3) Assurances that, upon satisfactory fulfillment of the plan, the
- 5 student:
- 6 (A) is entitled to graduate; and
- 7 (B) will have taken at least the minimum variety and number
- 8 of courses necessary to gain admittance to a state educational
- 9 institution.
- 10 (4) An indication of assessments (other than **ISTEP assessments**
- 11 **required under the assessment program** and the graduation
- 12 examination) that the student plans to take voluntarily during
- 13 grade 10 through grade 12, and which may include any of the
- 14 following:
- 15 (A) The SAT Reasoning Test.
- 16 (B) The ACT test.
- 17 (C) Advanced placement exams.
- 18 (D) College readiness exams approved by the department.
- 19 (E) Workforce readiness exams approved by the department of
- 20 workforce development established under IC 22-4.1-2.

21 SECTION 17. IC 20-31-3-1, AS ADDED BY P.L.1-2005,
 22 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2011]: Sec. 1. The state board shall adopt clear, concise, and
 24 jargon free state academic standards that are comparable to national
 25 and international academic standards. These academic standards must
 26 be adopted for each grade level from kindergarten through grade 12 for
 27 the following subjects:

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

32 For grade levels tested under the **ISTEP assessment** program, the
 33 academic standards must be based in part on the results of the **ISTEP**
 34 **assessment** program.

35 SECTION 18. IC 20-31-4-10, AS ADDED BY P.L.1-2005,
 36 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2011]: Sec. 10. (a) During its onsite evaluation, a review panel
 38 shall review the following for a school:

- 39 (1) Teaching practices and administrative leadership in
- 40 instruction.
- 41 (2) Parental and community involvement.
- 42 (3) Implementation of the **ISTEP assessment** remediation

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1 program under IC 20-32-8 and the educational opportunity
2 program for at-risk children.

3 (4) The homework policy.

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

7 SECTION 19. IC 20-31-5-4, AS ADDED BY P.L.1-2005,
8 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2011]: Sec. 4. (a) A plan must:

10 (1) state objectives for a three (3) year period; and

11 (2) be annually reviewed and revised to accomplish the
12 achievement objectives of the school.

13 (b) A plan must establish objectives for the school to achieve. These
14 achievement objectives must be consistent with academic standards
15 and include improvement in at least the following areas:

16 (1) Attendance rate.

17 (2) The percentage of students meeting academic standards under
18 the ~~ISTEP~~ **assessment** program (IC 20-31-3 and IC 20-32-5).

19 (3) For a secondary school, graduation rate.

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

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

26 (e) A plan must note specific areas where improvement is needed
27 immediately.

28 SECTION 20. IC 20-31-5-6, AS AMENDED BY P.L.66-2009,
29 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
30 JULY 1, 2011]: Sec. 6. (a) A plan must contain the following
31 components for the school:

32 (1) A list of the statutes and rules that the school wishes to have
33 suspended from operation for the school.

34 (2) A description of the curriculum and information concerning
35 the location of a copy of the curriculum that is available for
36 inspection by members of the public.

37 (3) A description and name of the assessments that will be used
38 in the school in addition to ~~ISTEP~~ **tests under the assessment**
39 **program. assessments.**

40 (4) A plan to be submitted to the governing body and made
41 available to all interested members of the public in an easily
42 understood format.

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- 1 (5) A provision to maximize parental participation in the school,
- 2 which may include providing parents with:
- 3 (A) access to learning aids to assist students with school work
- 4 at home;
- 5 (B) information on home study techniques; and
- 6 (C) access to school resources.
- 7 (6) For a secondary school, a provision to do the following:
- 8 (A) Offer courses that allow all students to become eligible to
- 9 receive an academic honors diploma.
- 10 (B) Encourage all students to earn an academic honors
- 11 diploma or complete the Core 40 curriculum.
- 12 (7) A provision to maintain a safe and disciplined learning
- 13 environment for students and teachers that complies with the
- 14 governing body's plan for improving student behavior and
- 15 discipline developed under IC 20-26-5-32.
- 16 (8) A provision for the coordination of technology initiatives and
- 17 ongoing professional development activities.

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

22 SECTION 21. IC 20-31-7-4, AS ADDED BY P.L.1-2005,
 23 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2011]: Sec. 4. (a) The student educational achievement fund
 25 is established to provide funds to stimulate and recognize improved
 26 student performance in meeting academic standards under the ~~ISTEP~~
 27 **assessment** program. The fund is administered by the department.

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

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

31 SECTION 22. IC 20-31-7-6, AS ADDED BY P.L.1-2005,
 32 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2011]: Sec. 6. The education roundtable shall recommend to
 34 the state board a system for awarding and distributing grants under this
 35 chapter. A system recommended under this section must be based on
 36 graduated levels of improvement based on ~~ISTEP~~ **assessment** program
 37 standards and other assessments recommended and approved by the
 38 education roundtable.

39 SECTION 23. IC 20-31-8-1, AS ADDED BY P.L.1-2005,
 40 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2011]: Sec. 1. (a) The performance of a school's students on
 42 the ~~ISTEP~~ **assessment** program test and other assessments

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1 recommended by the education roundtable and approved by the state
2 board are the primary and majority means of assessing a school's
3 improvement.

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

6 (1) performance indicators to be used as a secondary means of
7 determining school progress;

8 (2) expected progress levels, continuous improvement measures,
9 distributional performance levels, and absolute performance
10 levels for schools; and

11 (3) an orderly transition from the performance based accreditation
12 system to the assessment system set forth in this article.

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

16 SECTION 24. IC 20-31-8-2, AS ADDED BY P.L.1-2005,
17 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JULY 1, 2011]: Sec. 2. (a) In addition to scores on the ~~ISTEP~~
19 **assessment** program test and other assessments, the department shall
20 use the performance indicators developed under section 1 of this
21 chapter and the benchmarks and indicators of performance in each
22 school corporation's annual performance report as a secondary means
23 of assessing the improvement of each school and school corporation.

24 (b) The department shall assess improvement in the following
25 manner:

26 (1) Compare each school and each school corporation with its
27 own prior performance and not to the performance of other
28 schools or school corporations.

29 (2) Compare the results in the annual report under IC 20-20-8
30 with the benchmarks and indicators of performance established in
31 the plan for the same school.

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

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

40 SECTION 25. IC 20-32-5-0.5 IS ADDED TO THE INDIANA
41 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
42 [EFFECTIVE JULY 1, 2011]: **Sec. 0.5. As used in this chapter,**

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1 **"assessment" refers to the Measures of Academic Progress**
 2 **assessments developed for use in Indiana by the Northwest**
 3 **Evaluation Association.**

4 SECTION 26. IC 20-32-5-1, AS ADDED BY P.L.246-2005,
 5 SECTION 176, IS AMENDED TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2011]: Sec. 1. The purposes of the ~~ISTEP~~
 7 **assessment** program developed under this chapter are as follows:

8 (1) To assess the strengths and weaknesses of school
 9 performance.

10 (2) To assess the effects of state and local educational programs.

11 (3) To compare achievement of Indiana students to achievement
 12 of students on a national basis.

13 (4) To provide a source of information for state and local decision
 14 makers with regard to educational matters, including the
 15 following:

16 (A) The overall academic progress of students.

17 (B) The need for new or revised educational programs.

18 (C) The need to terminate existing educational programs.

19 (D) Student readiness for postsecondary school experiences.

20 (E) Overall curriculum development and revision activities.

21 (F) Identifying students who may need remediation under
 22 IC 20-32-8.

23 (G) Diagnosing individual student needs.

24 (H) Teacher education and staff development activities.

25 SECTION 27. IC 20-32-5-2, AS ADDED BY P.L.1-2005,
 26 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2011]: Sec. 2. ~~ISTEP~~ **Assessment** program testing shall be
 28 administered in the following subject areas:

29 (1) English/language arts.

30 (2) Mathematics.

31 (3) Science, in grade levels determined by the state board.

32 (4) Social studies, in grade levels determined by the state board.

33 SECTION 28. IC 20-32-5-3, AS ADDED BY P.L.1-2005,
 34 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2011]: Sec. 3. To carry out the purposes described in section
 36 1 of this chapter, each English/language arts and mathematics test
 37 developed for use under the ~~ISTEP~~ **assessment** program test must
 38 include the following:

39 (1) A method of testing basic skills appropriate for the designated
 40 grade level, including multiple choice questions.

41 (2) A method of testing applied skills appropriate for the
 42 designated grade level, including short answer or essay questions

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1 and the solving of arithmetic or mathematical problems.

2 (3) A method of testing and grading that will allow comparison
3 with national and international academic standards.

4 SECTION 29. IC 20-32-5-4, AS ADDED BY P.L.1-2005,
5 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 JULY 1, 2011]: Sec. 4. (a) The state board shall:

7 (1) authorize the development and implementation of the ~~ISTEP~~
8 **assessment** program; and

9 (2) determine the date on which the statewide testing is
10 administered in each school corporation.

11 (b) The state superintendent is responsible for the overall
12 development, implementation, and monitoring of the ~~ISTEP~~
13 **assessment** program.

14 (c) The department shall prepare detailed design specifications for
15 the ~~ISTEP~~ **assessment** program that must do the following:

16 (1) Take into account the academic standards adopted under
17 IC 20-31-3.

18 (2) Include testing of students' higher level cognitive thinking in
19 each subject area tested.

20 **(d) The department shall enter into a contract with the**
21 **Northwest Evaluation Association to develop a Measures of**
22 **Academic Progress assessment program for use in Indiana.**

23 **(e) Notwithstanding subsection (b), the state superintendent may**
24 **continue to administer the ISTEP assessment program after June**
25 **30, 2011, until suitable assessments are developed under**
26 **subsections (c) and (d).**

27 SECTION 30. IC 20-32-5-5, AS ADDED BY P.L.1-2005,
28 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 JULY 1, 2011]: Sec. 5. The department shall make general language
30 arts essay scoring rubrics available to the public at least four (4)
31 months before the administration of a test. An essay question, a scoring
32 rubric, or an anchor paper used in the ~~ISTEP~~ **assessment** program must
33 comply with the following:

34 (1) For an essay question, have a prompt that is taken from:

35 (A) a textbook on the state textbook adoption list included in
36 IC 20-20-5; or

37 (B) a source other than a source listed in clause (A) that is
38 approved by the ~~ISTEP~~ **assessment** program citizens' review
39 committee established under IC 20-32-6.

40 (2) Not seek or compile information about a student's:

41 (A) personal attitudes;

42 (B) political views;

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- 1 (C) religious beliefs;
- 2 (D) family relationships; or
- 3 (E) other matters listed in IC 20-30-5-17(b).

4 The ~~ISTEP~~ **assessment** program citizens' review committee shall
 5 determine whether an essay question or a scoring rubric complies
 6 with this subdivision.

7 SECTION 31. IC 20-32-5-6, AS ADDED BY P.L.1-2005,
 8 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2011]: Sec. 6. The scoring of student responses under an
 10 ~~ISTEP~~ **assessment** program test:

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

16 SECTION 32. IC 20-32-5-9, AS ADDED BY P.L.1-2005,
 17 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2011]: Sec. 9. (a) After reports of student scores are returned
 19 to a school corporation, the school corporation shall promptly do the
 20 following:

- 21 (1) Give each student and the student's parent the student's ~~ISTEP~~
 22 **assessment** program test scores.
- 23 (2) Make available for inspection to each student and the student's
 24 parent the following:
 - 25 (A) A copy of the essay questions and prompts used in
 26 assessing the student.
 - 27 (B) A copy of the student's scored essays.
 - 28 (C) A copy of the anchor papers and scoring rubrics used to
 29 score the student's essays.

30 A student's parent may request a rescoring of a student's responses to
 31 a test, including a student's essay.

32 (b) A student's ~~ISTEP~~ **assessment** program scores may not be
 33 disclosed to the public.

34 SECTION 33. IC 20-32-5-11, AS ADDED BY P.L.1-2005,
 35 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2011]: Sec. 11. Each school corporation shall compile the
 37 total results of the ~~ISTEP~~ **assessment** program tests in a manner that
 38 will permit evaluation of learning progress within the school
 39 corporation. The school corporation shall make the compilation of test
 40 results available for public inspection and shall provide that
 41 compilation to the parent of each student tested under the ~~ISTEP~~
 42 **assessment** program.

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1 SECTION 34. IC 20-32-5-12, AS ADDED BY P.L.1-2005,
 2 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2011]: Sec. 12. The department shall develop a format for the
 4 publication by school corporations in an annual performance report
 5 required by statute of appropriate academic information required by the
 6 department, including ~~ISTEP~~ **assessment** program test scores, in a
 7 manner that a reasonable person can easily read and understand.

8 SECTION 35. IC 20-32-5-13, AS ADDED BY P.L.1-2005,
 9 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2011]: Sec. 13. The school corporation shall provide the
 11 ~~ISTEP~~ **assessment** program test results on a school by school basis to
 12 the department upon request.

13 SECTION 36. IC 20-32-5-14, AS ADDED BY P.L.1-2005,
 14 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2011]: Sec. 14. Upon request by the commission for higher
 16 education, the department shall provide ~~ISTEP~~ **assessment** program
 17 test results to the commission for those students for whom the
 18 commission under 20 U.S.C. 1232g has obtained consent.

19 SECTION 37. IC 20-32-5-15, AS ADDED BY P.L.1-2005,
 20 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2011]: Sec. 15. (a) The state superintendent shall develop an
 22 ~~ISTEP~~ **assessment** program testing schedule in which:

- 23 (1) each student in grades 3, 6, 8, and 10 must be tested; and
- 24 (2) each student in grade 10 must take a graduation examination.

25 (b) The state board shall adopt rules to establish when a student is
 26 considered to be in grade 10 for purposes of initially taking the
 27 graduation examination.

28 SECTION 38. IC 20-32-5-16, AS ADDED BY P.L.1-2005,
 29 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2011]: Sec. 16. (a) A student who is a child with a disability
 31 (as defined in IC 20-35-1-2) shall be tested under this chapter with
 32 appropriate accommodations in testing materials and procedures unless
 33 the individuals who develop the child's individualized education
 34 program determine that testing or a part of the testing under this
 35 chapter is not appropriate for the student and that an alternate
 36 assessment will be used to test the student's achievement.

37 (b) Any decision concerning a student who is a child with a
 38 disability (as defined in IC 20-35-1-2) regarding the student's:

- 39 (1) participation in testing under this chapter;
- 40 (2) receiving accommodations in testing materials and
 41 procedures;
- 42 (3) participation in remediation under IC 20-32-8; or

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1 (4) retention at the same grade level for consecutive school years;
 2 shall be made in accordance with the student's individualized education
 3 program in compliance with the ~~ISTEP~~ **assessment** program manual
 4 and federal law.

5 SECTION 39. IC 20-32-5-17, AS ADDED BY P.L.1-2005,
 6 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2011]: Sec. 17. (a) If a nonpublic school seeks accreditation
 8 as authorized under IC 20-19-2-8(a)(5), the governing body of the
 9 nonpublic school is entitled to acquire at no charge from the
 10 department:

- 11 (1) the ~~ISTEP~~ **assessment** program test; and
 12 (2) the scoring reports used by the department.
 13 (b) The nonpublic school seeking accreditation must:
 14 (1) administer the ~~ISTEP~~ **assessment** program test to its students
 15 at the same time that school corporations administer the test; and
 16 (2) make available to the department the results of the ~~ISTEP~~
 17 **assessment** program testing.

18 SECTION 40. IC 20-32-6-1, AS ADDED BY P.L.1-2005,
 19 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2011]: Sec. 1. As used in this chapter, "committee" refers to
 21 the ~~ISTEP~~ **assessment** program citizens' review committee.

22 SECTION 41. IC 20-32-6-2, AS ADDED BY P.L.1-2005,
 23 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2011]: Sec. 2. The ~~ISTEP~~ **assessment** program citizens'
 25 review committee is established.

26 SECTION 42. IC 20-32-6-8, AS ADDED BY P.L.1-2005,
 27 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2011]: Sec. 8. The committee shall review the following that
 29 the department proposes for use in the ~~ISTEP~~ **assessment** program:

- 30 (1) Essay questions and prompts.
 31 (2) Scoring rubrics.

32 The committee must review an item listed in subdivisions (1) and (2)
 33 before the item is used in a test.

34 SECTION 43. IC 20-32-6-9, AS ADDED BY P.L.1-2005,
 35 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2011]: Sec. 9. The committee must reach a consensus on each
 37 item listed in section 8 of this chapter before the item may be used in
 38 the ~~ISTEP~~ **assessment** program.

39 SECTION 44. IC 20-32-8-11, AS ADDED BY P.L.1-2005,
 40 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2011]: Sec. 11. Notwithstanding the requirements of this
 42 chapter, any decisions made with regard to:

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1 (1) attendance in a remediation program;
 2 (2) **ISTEP assessment** program testing; and
 3 (3) the grade level placement;
 4 for a student who is a child with a disability (as defined in
 5 IC 20-35-1-2) shall be made in accordance with the individualized
 6 education program, state law, and federal law.

7 SECTION 45. IC 20-33-2-13, AS AMENDED BY P.L.140-2008,
 8 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2011]: Sec. 13. (a) A school corporation shall record or
 10 include the following information in the official high school transcript
 11 for a student in high school:

- 12 (1) Attendance records.
 13 (2) The student's latest **ISTEP assessment** program test results
 14 under IC 20-32-5.
 15 (3) Any secondary level and postsecondary level certificates of
 16 achievement earned by the student.
 17 (4) Immunization information from the immunization record the
 18 student's school keeps under IC 20-34-4-1.
 19 (5) Any dual credit courses taken that are included in the core
 20 transfer library under IC 21-42-5-4.

21 (b) A school corporation may include information on a student's
 22 high school transcript that is in addition to the requirements of
 23 subsection (a).

24 SECTION 46. IC 20-51-1-6, AS ADDED BY P.L.182-2009(ss),
 25 SECTION 364, IS AMENDED TO READ AS FOLLOWS
 26 [EFFECTIVE JULY 1, 2011]: Sec. 6. (a) "Participating school" refers
 27 to a public or nonpublic school that:

- 28 (1) an eligible student is required to pay tuition or transfer tuition
 29 to attend;
 30 (2) voluntarily agrees to enroll an eligible student;
 31 (3) is accredited by either the state board or a national or regional
 32 accreditation agency that is recognized by the state board; and
 33 (4) administers the tests under the ~~Indiana statewide testing for~~
 34 ~~educational progress~~ **(ISTEP) assessment** program or administers
 35 another nationally recognized and norm-referenced assessment of
 36 the school's students.

37 (b) The term does not include a public school in a school
 38 corporation where the eligible student has legal settlement under
 39 IC 20-26-11.

40 SECTION 47. IC 20-18-2-10 IS REPEALED [EFFECTIVE JULY
 41 1, 2011].

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