

SENATE BILL No. 129

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 20-28-8-5; IC 20-30; IC 20-31; IC 20-32; IC 20-33-2-13; IC 20-35-8-1; IC 20-51-1.

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

Effective: July 1, 2012.

Waterman

January 4, 2012, read first time and referred to Committee on Education and Career Development.

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Second Regular Session 117th General Assembly (2012)

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 2011 Regular Session of the General Assembly.

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SENATE BILL No. 129



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, 2012]: **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 2012]: Sec. 6. "Graduation examination" means the test designated by
8 the board under the ~~ISTEP~~ **assessment** program.

9 SECTION 3. IC 20-18-2-10 IS REPEALED [EFFECTIVE JULY 1,
10 2012]. ~~Sec. 10. "ISTEP program" refers to the Indiana statewide testing
11 for educational progress program developed and administered under
12 IC 20-32-5.~~

13 SECTION 4. IC 20-19-4-10, AS ADDED BY P.L.1-2005,
14 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2012]: Sec. 10. The roundtable shall review and recommend
16 to the state board for the state board's approval the following:

17 (1) The academic standards under IC 20-31-3, IC 20-32-4,



- 1 IC 20-32-5, and IC 20-32-6 for all grade levels from kindergarten
 2 through grade 12.
- 3 (2) The content and format of the **ISTEP assessment** program,
 4 including the following:
- 5 (A) The graduation examination.
- 6 (B) The passing scores required at the various grade levels
 7 tested under the **ISTEP assessment** program.
- 8 SECTION 5. IC 20-20-8-6, AS AMENDED BY P.L.2-2007,
 9 SECTION 203, IS AMENDED TO READ AS FOLLOWS
 10 [EFFECTIVE JULY 1, 2012]: Sec. 6. A report must contain the
 11 following:
- 12 (1) The information listed in section 8 of this chapter for each of
 13 the preceding three (3) years.
- 14 (2) Additional components determined under section 7(4) of this
 15 chapter.
- 16 (3) Additional information or explanation that the governing body
 17 wishes to include, including the following:
- 18 (A) Results of nationally recognized assessments of students
 19 under programs other than the **ISTEP assessment** program that
 20 a school corporation, including a charter school, uses to
 21 determine if students are meeting or exceeding academic
 22 standards in grades that are tested under the **ISTEP**
 23 **assessment** program.
- 24 (B) Results of assessments of students under programs other
 25 than the **ISTEP assessment** program that a school corporation
 26 uses to determine if students are meeting or exceeding
 27 academic standards in grades that are not tested under the
 28 **ISTEP assessment** program.
- 29 (C) The number and types of staff professional development
 30 programs.
- 31 (D) The number and types of partnerships with the
 32 community, business, or postsecondary education.
- 33 (E) Levels of parental participation.
- 34 SECTION 6. IC 20-20-8-8, AS AMENDED BY P.L.3-2008,
 35 SECTION 115, IS AMENDED TO READ AS FOLLOWS
 36 [EFFECTIVE JULY 1, 2012]: Sec. 8. The report must include the
 37 following information:
- 38 (1) Student enrollment.
- 39 (2) Graduation rate (as defined in IC 20-26-13-6).
- 40 (3) Attendance rate.
- 41 (4) The following test scores, including the number and
 42 percentage of students meeting academic standards:

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

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- 1 (13) Technology accessibility and use of technology in
2 instruction.
- 3 (14) Interdistrict and intradistrict student mobility rates, if that
4 information is available.
- 5 (15) The number and percentage of each of the following within
6 the school corporation:
- 7 (A) Teachers who are certificated employees (as defined in
8 IC 20-29-2-4).
- 9 (B) Teachers who teach the subject area for which the teacher
10 is certified and holds a license.
- 11 (C) Teachers with national board certification.
- 12 (16) The percentage of grade 3 students reading at grade 3 level.
- 13 (17) The number of students expelled, including the number
14 participating in other recognized education programs during their
15 expulsion.
- 16 (18) Chronic absenteeism, which includes the number of students
17 who have been absent more than ten (10) days from school within
18 a school year without being excused.
- 19 (19) The number of students who have dropped out of school,
20 including the reasons for dropping out.
- 21 (20) The number of student work permits revoked.
- 22 (21) The number of student driver's licenses revoked.
- 23 (22) The number of students who have not advanced to grade 10
24 due to a lack of completed credits.
- 25 (23) The number of students suspended for any reason.
- 26 (24) The number of students receiving an international
27 baccalaureate diploma.
- 28 (25) Other indicators of performance as recommended by the
29 education roundtable under IC 20-19-4.
- 30 SECTION 7. IC 20-20-26-3, AS ADDED BY P.L.1-2005,
31 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
32 JULY 1, 2012]: Sec. 3. Readiness testing under this chapter is in
33 addition to ~~ISTEP~~ **assessment** program testing under IC 20-32-5.
- 34 SECTION 8. IC 20-20-31-10, AS AMENDED BY P.L.90-2011,
35 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 JULY 1, 2012]: Sec. 10. The state board shall approve an evaluation
37 system for professional development based on recommendations from
38 the department. The department shall develop a means for measuring
39 successful programs and activities in which schools participate. The
40 measurements must include the following:
- 41 (1) A mechanism to identify and develop strategies to collect
42 multiple forms of data that reflect the achievement of expectations

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1 for all students. The data may include the results of **ISTEP**
 2 **assessment** program tests under IC 20-31-3, IC 20-32-4,
 3 IC 20-32-5, and IC 20-32-6, local tests, classroom work, and
 4 teacher and administrator observations.

5 (2) A procedure for using collected data to make decisions.

6 (3) A method of evaluation in terms of educator's practice and
 7 student learning, including standards for effective teaching and
 8 effective professional development.

9 SECTION 9. IC 20-24-4-1, AS AMENDED BY P.L.91-2011,
 10 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2012]: Sec. 1. (a) A charter must meet the following
 12 requirements:

13 (1) Be a written instrument.

14 (2) Be executed by a sponsor and an organizer.

15 (3) Confer certain rights, franchises, privileges, and obligations
 16 on a charter school.

17 (4) Confirm the status of a charter school as a public school.

18 (5) Be granted for:

19 (A) not less than three (3) years; and

20 (B) a fixed number of years agreed to by the sponsor and the
 21 organizer.

22 (6) Provide for the following:

23 (A) A review by the sponsor of the charter school's
 24 performance, including the progress of the charter school in
 25 achieving the academic goals set forth in the charter, at least
 26 one (1) time in each five (5) year period while the charter is in
 27 effect.

28 (B) Renewal, if the sponsor and the organizer agree to renew
 29 the charter.

30 (7) Specify the grounds for the sponsor to:

31 (A) revoke the charter before the end of the term for which the
 32 charter is granted; or

33 (B) not renew a charter.

34 (8) Set forth the methods by which the charter school will be held
 35 accountable for achieving the educational mission and goals of
 36 the charter school, including the following:

37 (A) Evidence of improvement in:

38 (i) assessment measures, including the **ISTEP assessment**
 39 **program** and end of course assessments;

40 (ii) attendance rates;

41 (iii) graduation rates (if appropriate);

42 (iv) increased numbers of Core 40 diplomas and other

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- 1 college and career ready indicators including advanced
 2 placement participation and passage, dual credit
 3 participation and passage, and International Baccalaureate
 4 participation and passage (if appropriate);
 5 (v) increased numbers of academic honors and technical
 6 honors diplomas (if appropriate);
 7 (vi) student academic growth;
 8 (vii) financial performance and stability; and
 9 (viii) governing board performance and stewardship,
 10 including compliance with applicable laws, rules and
 11 regulations, and charter terms.
 12 (B) Evidence of progress toward reaching the educational
 13 goals set by the organizer.
 14 (9) Describe the method to be used to monitor the charter
 15 school's:
 16 (A) compliance with applicable law; and
 17 (B) performance in meeting targeted educational performance.
 18 (10) Specify that the sponsor and the organizer may amend the
 19 charter during the term of the charter by mutual consent and
 20 describe the process for amending the charter.
 21 (11) Describe specific operating requirements, including all the
 22 matters set forth in the application for the charter.
 23 (12) Specify a date when the charter school will:
 24 (A) begin school operations; and
 25 (B) have students attending the charter school.
 26 (13) Specify that records of a charter school relating to the
 27 school's operation and charter are subject to inspection and
 28 copying to the same extent that records of a public school are
 29 subject to inspection and copying under IC 5-14-3.
 30 (14) Specify that records provided by the charter school to the
 31 department or sponsor that relate to compliance by the organizer
 32 with the terms of the charter or applicable state or federal laws are
 33 subject to inspection and copying in accordance with IC 5-14-3.
 34 (15) Specify that the charter school is subject to the requirements
 35 of IC 5-14-1.5.
 36 (b) A charter school shall set annual performance targets in
 37 conjunction with the charter school's sponsor. The annual performance
 38 targets shall be designed to help each school meet applicable federal,
 39 state, and sponsor expectations.
 40 SECTION 10. IC 20-24-9-2, AS AMENDED BY P.L.91-2011,
 41 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2012]: Sec. 2. An annual report under this chapter must

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- 1 contain the following information:
- 2 (1) Results of all standardized testing, including ~~ISTEP~~
- 3 **assessment** program testing, end of course assessments, and any
- 4 other assessments used for each sponsored school.
- 5 (2) A description of the educational methods and teaching
- 6 methods employed for each sponsored school.
- 7 (3) Attendance rates for each sponsored school.
- 8 (4) Graduation rates (if appropriate), including attainment of Core
- 9 40 and academic honors diplomas for each sponsored school.
- 10 (5) Student enrollment data for each sponsored school, including
- 11 the following:
- 12 (A) The number of students enrolled.
- 13 (B) The number of students expelled.
- 14 (6) Schools that closed or for which the charter was not renewed,
- 15 and the reasons for the closure or nonrenewal.
- 16 SECTION 11. IC 20-26-15-5, AS ADDED BY P.L.1-2005,
- 17 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 18 JULY 1, 2012]: Sec. 5. Notwithstanding any other law, the operation
- 19 of the following is suspended for a freeway school corporation or a
- 20 freeway school if the governing body of the school corporation elects
- 21 to have the specific statute or rule suspended in the contract:
- 22 (1) The following statutes and rules concerning curriculum and
- 23 instructional time:
- 24 IC 20-30-2-7
- 25 IC 20-30-5-8
- 26 IC 20-30-5-9
- 27 IC 20-30-5-11
- 28 511 IAC 6-7-6
- 29 511 IAC 6.1-3-4
- 30 511 IAC 6.1-5-0.5
- 31 511 IAC 6.1-5-1
- 32 511 IAC 6.1-5-2.5
- 33 511 IAC 6.1-5-3.5
- 34 511 IAC 6.1-5-4.
- 35 (2) The following rule concerning pupil/teacher ratios:
- 36 511 IAC 6.1-4-1.
- 37 (3) The following statutes and rules concerning textbooks:
- 38 IC 20-20-5-1 through IC 20-20-5-4 (**before their repeal**)
- 39 IC 20-20-5-23 (**before its repeal**)
- 40 IC 20-26-12-24
- 41 IC 20-26-12-26
- 42 IC 20-26-12-28 (**before its repeal**)

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- 1 IC 20-26-12-1
- 2 IC 20-26-12-2
- 3 511 IAC 6.1-5-5.
- 4 (4) 511 IAC 6-7, concerning graduation requirements.
- 5 (5) IC 20-31-4, concerning the performance based accreditation
- 6 system.
- 7 (6) IC 20-32-5, concerning the ~~ISTEP~~ **assessment** program
- 8 established under IC 20-32-5-15, if an alternative locally adopted
- 9 assessment program is adopted under section 6(7) of this chapter.
- 10 SECTION 12. IC 20-26-15-6, AS AMENDED BY P.L.2-2006,
- 11 SECTION 135, IS AMENDED TO READ AS FOLLOWS
- 12 [EFFECTIVE JULY 1, 2012]: Sec. 6. Except as provided in this
- 13 chapter and notwithstanding any other law, a freeway school
- 14 corporation or a freeway school may do the following during the
- 15 contract period:
- 16 (1) Disregard the observance of any statute or rule that is listed in
- 17 the contract.
- 18 (2) Lease school transportation equipment to others for nonschool
- 19 use when the equipment is not in use for a school corporation
- 20 purpose, if the lessee has not received a bid from a private entity
- 21 to provide transportation equipment or services for the same
- 22 purpose.
- 23 (3) Replace the budget and accounting system that is required by
- 24 law with a budget or accounting system that is frequently used in
- 25 the private business community. The state board of accounts may
- 26 not go beyond the requirements imposed upon the state board of
- 27 accounts by statute in reviewing the budget and accounting
- 28 system used by a freeway school corporation or a freeway school.
- 29 (4) Establish a professional development and technology fund to
- 30 be used for:
- 31 (A) professional development; or
- 32 (B) technology, including video distance learning.
- 33 However, any money deposited in the professional development
- 34 and technology fund for technology purposes must be transferred
- 35 to the school technology fund.
- 36 (5) Subject to subdivision (4), transfer funds obtained from
- 37 sources other than state or local government taxation among any
- 38 accounts of the school corporation, including a professional
- 39 development and technology fund established under subdivision
- 40 (4).
- 41 (6) Transfer funds obtained from property taxation and from state
- 42 distributions among the general fund and the school

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1 transportation fund, subject to the following:

2 (A) The sum of the property tax rates for the general fund and
3 the school transportation fund after a transfer occurs under this
4 subdivision may not exceed the sum of the property tax rates
5 for the general fund and the school transportation fund before
6 a transfer occurs under this subdivision.

7 (B) This subdivision does not allow a school corporation to
8 transfer to any other fund money from the:

- 9 (i) capital projects fund; or
10 (ii) debt service fund.

11 (7) Establish a locally adopted assessment program to replace the
12 assessment of students under the **ISTEP assessment** program
13 established under IC 20-32-5-15, subject to the following:

14 (A) A locally adopted assessment program must be established
15 by the governing body and approved by the department.

16 (B) A locally adopted assessment program may use a locally
17 developed test or a nationally developed test.

18 (C) Results of assessments under a locally adopted assessment
19 program are subject to the same reporting requirements as
20 results under the **ISTEP assessment** program **established**
21 **under IC 20-32-5.**

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

25 SECTION 13. IC 20-26-15-7, AS ADDED BY P.L.1-2005,
26 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 JULY 1, 2012]: Sec. 7. The minimum educational benefits that a
28 freeway school corporation or a freeway school must produce under
29 this chapter are the following:

30 (1) An average attendance rate that increases:

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

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

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

39 (A) not less than two percent (2%) each school year until the
40 successful completion rate is not less than eighty-five percent
41 (85%); and

42 (B) one percent (1%) each school year until the successful

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1 completion rate is not less than ninety percent (90%);
2 of the students in the designated grade levels under the ~~ISTEP~~
3 assessment program (IC 20-32-5) or the locally adopted
4 assessment program that are grades contained in the freeway
5 school corporation or freeway school.

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

- 10 (A) not less than two percent (2%) each school year until the
- 11 graduation rate is not less than eighty-five percent (85%); and
- 12 (B) one percent (1%) each school year until the graduation rate
- 13 is ninety percent (90%).

14 After a freeway school corporation or a freeway school has achieved
15 the minimum rates required under subdivisions (1) through (3), the
16 freeway school corporation or freeway school must either maintain the
17 minimum required rates or show continued improvement of those rates.

18 SECTION 14. IC 20-28-8-5, AS ADDED BY P.L.1-2005,
19 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20 JULY 1, 2012]: Sec. 5. The evaluation of a principal's performance
21 may not be based wholly on the ~~ISTEP~~ **assessment** program test scores
22 under IC 20-32-5 of the students enrolled at the principal's school.
23 However, the ~~ISTEP~~ **assessment** program test scores under IC 20-32-5
24 of the students enrolled at a principal's school may be considered as
25 one (1) of the factors in the evaluation of the principal's overall
26 performance at the school.

27 SECTION 15. IC 20-30-2-2.2, AS ADDED BY P.L.242-2005,
28 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 JULY 1, 2012]: Sec. 2.2. (a) As used in this section, "eligible student"
30 means a student in grade 11 or 12 who has:

- 31 (1) failed the ~~ISTEP~~ **assessment program** graduation exam at
- 32 least twice;
- 33 (2) been determined to be chronically absent, by missing more
- 34 than ten (10) unexcused days of school in one (1) school year;
- 35 (3) been determined to be a habitual truant, as identified under
- 36 IC 20-33-2-11;
- 37 (4) been significantly behind in credits for graduation, as
- 38 identified by an individual's school principal;
- 39 (5) previously undergone at least a second suspension from school
- 40 for the school year under IC 20-33-8-14 or IC 20-33-8-15;
- 41 (6) previously undergone an expulsion from school under
- 42 IC 20-33-8-14, IC 20-33-8-15, or IC 20-33-8-16; or

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- 1 (7) been determined by the individual's principal and the
 2 individual's parent or guardian to benefit by participating in the
 3 school flex program.
- 4 (b) An eligible student who participates in a school flex program
 5 must:
- 6 (1) attend school for at least three (3) hours of instructional time
 7 per school day;
 8 (2) pursue a timely graduation;
 9 (3) provide evidence of college or technical career education
 10 enrollment and attendance or proof of employment and labor that
 11 is aligned with the student's career academic sequence under rules
 12 established by the Indiana bureau of child labor;
 13 (4) not be suspended or expelled while participating in a school
 14 flex program;
 15 (5) pursue course and credit requirements for a general diploma;
 16 and
 17 (6) maintain a ninety-five percent (95%) attendance rate.
- 18 (c) A school may allow an eligible student in grade 11 or 12 to
 19 complete an instructional day that consists of three (3) hours of
 20 instructional time if the student participates in the school flex program.
- 21 (d) If one (1) or more students participate in a school flex program,
 22 the principal shall, on forms provided by the department, submit a
 23 yearly report to the department of student participation and graduation
 24 rates of students who participate in the school flex program.
- 25 SECTION 16. IC 20-30-4-2, AS AMENDED BY P.L.140-2008,
 26 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2012]: Sec. 2. In consultation with the student's guidance
 28 counselor, after seeking consultation with each student's parents, and
 29 not later than the date on which the student completes grade 9, each
 30 student shall further develop the graduation plan developed in grade 6
 31 under section 1.5 of this chapter to also include the following:
- 32 (1) The subject and skill areas of interest to the student.
 33 (2) A program of study under the college/technology preparation
 34 curriculum adopted by the state board under IC 20-30-10-2 for
 35 grades 10, 11, and 12 that meets the interests and aptitude of the
 36 student.
 37 (3) Assurances that, upon satisfactory fulfillment of the plan, the
 38 student:
 39 (A) is entitled to graduate; and
 40 (B) will have taken at least the minimum variety and number
 41 of courses necessary to gain admittance to a state educational
 42 institution.

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1 (4) An indication of assessments (other than **ISTEP assessments**
 2 **required under the assessment program** and the graduation
 3 examination) that the student plans to take voluntarily during
 4 grade 10 through grade 12, and which may include any of the
 5 following:

- 6 (A) The SAT Reasoning Test.
- 7 (B) The ACT test.
- 8 (C) Advanced placement exams.
- 9 (D) College readiness exams approved by the department.
- 10 (E) Workforce readiness exams approved by the department of
 11 workforce development established under IC 22-4.1-2.

12 SECTION 17. IC 20-31-3-1, AS ADDED BY P.L.1-2005,
 13 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2012]: Sec. 1. The state board shall adopt clear, concise, and
 15 jargon free state academic standards that are comparable to national
 16 and international academic standards. These academic standards must
 17 be adopted for each grade level from kindergarten through grade 12 for
 18 the following subjects:

- 19 (1) English/language arts.
- 20 (2) Mathematics.
- 21 (3) Social studies.
- 22 (4) Science.

23 For grade levels tested under the **ISTEP assessment** program, the
 24 academic standards must be based in part on the results of the **ISTEP**
 25 **assessment** program.

26 SECTION 18. IC 20-31-4-10, AS ADDED BY P.L.1-2005,
 27 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2012]: Sec. 10. (a) During its onsite evaluation, a review panel
 29 shall review the following for a school:

- 30 (1) Teaching practices and administrative leadership in
 31 instruction.
- 32 (2) Parental and community involvement.
- 33 (3) Implementation of the **ISTEP assessment** remediation
 34 program under IC 20-32-8 and the educational opportunity
 35 program for at-risk children.
- 36 (4) The homework policy.

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

40 SECTION 19. IC 20-31-5-4, AS ADDED BY P.L.1-2005,
 41 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2012]: Sec. 4. (a) A plan must:

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- 1 (1) state objectives for a three (3) year period; and
 2 (2) be annually reviewed and revised to accomplish the
 3 achievement objectives of the school.
 4 (b) A plan must establish objectives for the school to achieve. These
 5 achievement objectives must be consistent with academic standards
 6 and include improvement in at least the following areas:
 7 (1) Attendance rate.
 8 (2) The percentage of students meeting academic standards under
 9 the **ISTEP assessment** program (IC 20-31-3 and IC 20-32-5).
 10 (3) For a secondary school, graduation rate.
 11 (c) A plan must address the learning needs of all students, including
 12 programs and services for exceptional learners.
 13 (d) A plan must specify how and to what extent the school expects
 14 to make continuous improvement in all areas of the education system
 15 where results are measured by setting benchmarks for progress on an
 16 individual school basis.
 17 (e) A plan must note specific areas where improvement is needed
 18 immediately.
 19 SECTION 20. IC 20-31-5-6, AS AMENDED BY P.L.66-2009,
 20 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2012]: Sec. 6. (a) A plan must contain the following
 22 components for the school:
 23 (1) A list of the statutes and rules that the school wishes to have
 24 suspended from operation for the school.
 25 (2) A description of the curriculum and information concerning
 26 the location of a copy of the curriculum that is available for
 27 inspection by members of the public.
 28 (3) A description and name of the assessments that will be used
 29 in the school in addition to **ISTEP tests under the assessment**
 30 **program. assessments.**
 31 (4) A plan to be submitted to the governing body and made
 32 available to all interested members of the public in an easily
 33 understood format.
 34 (5) A provision to maximize parental participation in the school,
 35 which may include providing parents with:
 36 (A) access to learning aids to assist students with school work
 37 at home;
 38 (B) information on home study techniques; and
 39 (C) access to school resources.
 40 (6) For a secondary school, a provision to do the following:
 41 (A) Offer courses that allow all students to become eligible to
 42 receive an academic honors diploma.

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- 1 (B) Encourage all students to earn an academic honors
- 2 diploma or complete the Core 40 curriculum.
- 3 (7) A provision to maintain a safe and disciplined learning
- 4 environment for students and teachers that complies with the
- 5 governing body's plan for improving student behavior and
- 6 discipline developed under IC 20-26-5-32.
- 7 (8) A provision for the coordination of technology initiatives and
- 8 ongoing professional development activities.

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

13 SECTION 21. IC 20-31-7-4, AS ADDED BY P.L.1-2005,
 14 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2012]: Sec. 4. (a) The student educational achievement fund
 16 is established to provide funds to stimulate and recognize improved
 17 student performance in meeting academic standards under the ~~ISTEP~~
 18 **assessment** program. The fund is administered by the department.

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

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

22 SECTION 22. IC 20-31-7-6, AS ADDED BY P.L.1-2005,
 23 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2012]: Sec. 6. The education roundtable shall recommend to
 25 the state board a system for awarding and distributing grants under this
 26 chapter. A system recommended under this section must be based on
 27 graduated levels of improvement based on ~~ISTEP~~ **assessment** program
 28 standards and other assessments recommended and approved by the
 29 education roundtable.

30 SECTION 23. IC 20-31-8-1, AS ADDED BY P.L.1-2005,
 31 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2012]: Sec. 1. (a) The performance of a school's students on
 33 the ~~ISTEP~~ **assessment** program test and other assessments
 34 recommended by the education roundtable and approved by the state
 35 board are the primary and majority means of assessing a school's
 36 improvement.

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

- 39 (1) performance indicators to be used as a secondary means of
- 40 determining school progress;
- 41 (2) expected progress levels, continuous improvement measures,
- 42 distributional performance levels, and absolute performance

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1 levels for schools; and
 2 (3) an orderly transition from the performance based accreditation
 3 system to the assessment system set forth in this article.
 4 (c) The education roundtable shall consider methods of measuring
 5 improvement and progress used in other states in developing
 6 recommendations under this section.
 7 SECTION 24. IC 20-31-8-2, AS ADDED BY P.L.1-2005,
 8 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2012]: Sec. 2. (a) In addition to scores on the ~~ISTEP~~
 10 **assessment** program test and other assessments, the department shall
 11 use the performance indicators developed under section 1 of this
 12 chapter and the benchmarks and indicators of performance in each
 13 school corporation's annual performance report as a secondary means
 14 of assessing the improvement of each school and school corporation.
 15 (b) The department shall assess improvement in the following
 16 manner:
 17 (1) Compare each school and each school corporation with its
 18 own prior performance and not to the performance of other
 19 schools or school corporations.
 20 (2) Compare the results in the annual report under IC 20-20-8
 21 with the benchmarks and indicators of performance established in
 22 the plan for the same school.
 23 (3) Compare the results for a school by comparing each student's
 24 results for each grade with the student's prior year results, with an
 25 adjustment for student mobility rate. The education roundtable
 26 shall make recommendations concerning the incorporation of a
 27 statistical adjustment for student mobility rates into the results.
 28 (4) Compare the results for a school with the state average and the
 29 ninety-fifth percentile level for all assessments and performance
 30 indicators.
 31 SECTION 25. IC 20-32-5-0.5 IS ADDED TO THE INDIANA
 32 CODE AS A NEW SECTION TO READ AS FOLLOWS
 33 [EFFECTIVE JULY 1, 2012]: **Sec. 0.5. As used in this chapter,**
 34 **"assessment program" refers to the program established under**
 35 **section 4 of this chapter using the Measures of Academic Progress**
 36 **assessments developed for use in Indiana by the Northwest**
 37 **Evaluation Association.**
 38 SECTION 26. IC 20-32-5-1, AS ADDED BY P.L.246-2005,
 39 SECTION 176, IS AMENDED TO READ AS FOLLOWS
 40 [EFFECTIVE JULY 1, 2012]: Sec. 1. The purposes of the ~~ISTEP~~
 41 **assessment** program developed under this chapter are as follows:
 42 (1) To assess the strengths and weaknesses of school

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- 1 performance.
- 2 (2) To assess the effects of state and local educational programs.
- 3 (3) To compare achievement of Indiana students to achievement
- 4 of students on a national basis.
- 5 (4) To provide a source of information for state and local decision
- 6 makers with regard to educational matters, including the
- 7 following:
- 8 (A) The overall academic progress of students.
- 9 (B) The need for new or revised educational programs.
- 10 (C) The need to terminate existing educational programs.
- 11 (D) Student readiness for postsecondary school experiences.
- 12 (E) Overall curriculum development and revision activities.
- 13 (F) Identifying students who may need remediation under
- 14 IC 20-32-8.
- 15 (G) Diagnosing individual student needs.
- 16 (H) Teacher education and staff development activities.
- 17 SECTION 27. IC 20-32-5-2, AS ADDED BY P.L.1-2005,
- 18 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 19 JULY 1, 2012]: Sec. 2. **ISTEP Assessment** program testing shall be
- 20 administered in the following subject areas:
- 21 (1) English/language arts.
- 22 (2) Mathematics.
- 23 (3) Science, in grade levels determined by the state board.
- 24 (4) Social studies, in grade levels determined by the state board.
- 25 SECTION 28. IC 20-32-5-3, AS ADDED BY P.L.1-2005,
- 26 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 27 JULY 1, 2012]: Sec. 3. To carry out the purposes described in section
- 28 1 of this chapter, each English/language arts and mathematics test
- 29 developed for use under the **ISTEP assessment** program test must
- 30 include the following:
- 31 (1) A method of testing basic skills appropriate for the designated
- 32 grade level, including multiple choice questions.
- 33 (2) A method of testing applied skills appropriate for the
- 34 designated grade level, including short answer or essay questions
- 35 and the solving of arithmetic or mathematical problems.
- 36 (3) A method of testing and grading that will allow comparison
- 37 with national and international academic standards.
- 38 SECTION 29. IC 20-32-5-4, AS ADDED BY P.L.1-2005,
- 39 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 40 JULY 1, 2012]: Sec. 4. (a) The state board shall:
- 41 (1) authorize the development and implementation of the **ISTEP**
- 42 **assessment** program; and

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- 1 (2) determine the date on which the statewide testing is
 2 administered in each school corporation.
- 3 (b) The state superintendent is responsible for the overall
 4 development, implementation, and monitoring of the **ISTEP**
 5 **assessment** program.
- 6 (c) The department shall prepare detailed design specifications for
 7 the **ISTEP assessment** program that must do the following:
- 8 (1) Take into account the academic standards adopted under
 9 IC 20-31-3.
- 10 (2) Include testing of students' higher level cognitive thinking in
 11 each subject area tested.
- 12 **(d) The department shall enter into a contract with the**
 13 **Northwest Evaluation Association to develop a Measures of**
 14 **Academic Progress assessment program for use in Indiana.**
- 15 **(e) Notwithstanding subsection (b), the state superintendent may**
 16 **continue to administer the ISTEP assessment program after June**
 17 **30, 2012, until suitable assessment programs are developed under**
 18 **subsections (c) and (d).**
- 19 SECTION 30. IC 20-32-5-5, AS AMENDED BY P.L.73-2011,
 20 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2012]: Sec. 5. The department shall make general language
 22 arts essay scoring rubrics available to the public at least four (4)
 23 months before the administration of a test. An essay question, a scoring
 24 rubric, or an anchor paper used in the **ISTEP assessment** program must
 25 not seek or compile information about a student's:
- 26 (1) personal attitudes;
 27 (2) political views;
 28 (3) religious beliefs;
 29 (4) family relationships; or
 30 (5) other matters listed in IC 20-30-5-17(b).
- 31 The **ISTEP assessment** program citizens' review committee shall
 32 determine whether an essay question or a scoring rubric complies with
 33 this section.
- 34 SECTION 31. IC 20-32-5-6, AS ADDED BY P.L.1-2005,
 35 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2012]: Sec. 6. The scoring of student responses under an
 37 **ISTEP assessment** program test:
- 38 (1) must measure student achievement relative to the academic
 39 standards established by the state board;
 40 (2) must adhere to scoring rubrics and anchor papers; and
 41 (3) may not reflect the scorer's judgment of the values expressed
 42 by a student in the student's responses.

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1 SECTION 32. IC 20-32-5-9, AS ADDED BY P.L.1-2005,
 2 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2012]: Sec. 9. (a) After reports of student scores are returned
 4 to a school corporation, the school corporation shall promptly do the
 5 following:

6 (1) Give each student and the student's parent the student's ~~ISTEP~~
 7 **assessment** program test scores.

8 (2) Make available for inspection to each student and the student's
 9 parent the following:

10 (A) A copy of the essay questions and prompts used in
 11 assessing the student.

12 (B) A copy of the student's scored essays.

13 (C) A copy of the anchor papers and scoring rubrics used to
 14 score the student's essays.

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

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

19 SECTION 33. IC 20-32-5-11, AS ADDED BY P.L.1-2005,
 20 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2012]: Sec. 11. Each school corporation shall compile the
 22 total results of the ~~ISTEP~~ **assessment** program tests in a manner that
 23 will permit evaluation of learning progress within the school
 24 corporation. The school corporation shall make the compilation of test
 25 results available for public inspection and shall provide that
 26 compilation to the parent of each student tested under the ~~ISTEP~~
 27 **assessment** program.

28 SECTION 34. IC 20-32-5-12, AS ADDED BY P.L.1-2005,
 29 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2012]: Sec. 12. The department shall develop a format for the
 31 publication by school corporations in an annual performance report
 32 required by statute of appropriate academic information required by the
 33 department, including ~~ISTEP~~ **assessment** program test scores, in a
 34 manner that a reasonable person can easily read and understand.

35 SECTION 35. IC 20-32-5-13, AS ADDED BY P.L.1-2005,
 36 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2012]: Sec. 13. The school corporation shall provide the
 38 ~~ISTEP~~ **assessment** program test results on a school by school basis to
 39 the department upon request.

40 SECTION 36. IC 20-32-5-14, AS ADDED BY P.L.1-2005,
 41 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2012]: Sec. 14. Upon request by the commission for higher

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1 education, the department shall provide **ISTEP assessment** program
 2 test results to the commission for those students for whom the
 3 commission under 20 U.S.C. 1232g has obtained consent.

4 SECTION 37. IC 20-32-5-15, AS AMENDED BY P.L.229-2011,
 5 SECTION 191, IS AMENDED TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2012]: Sec. 15. (a) The state superintendent
 7 shall develop an **ISTEP assessment** program testing schedule in which:

- 8 (1) each student in grades 3, 6, 8, and 10 must be tested; and
 9 (2) each student in grade 10 or grade 11 must take a graduation
 10 examination.

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

14 SECTION 38. IC 20-32-5-16, AS ADDED BY P.L.1-2005,
 15 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2012]: Sec. 16. (a) A student who is a child with a disability
 17 (as defined in IC 20-35-1-2) shall be tested under this chapter with
 18 appropriate accommodations in testing materials and procedures unless
 19 the individuals who develop the child's individualized education
 20 program determine that testing or a part of the testing under this
 21 chapter is not appropriate for the student and that an alternate
 22 assessment will be used to test the student's achievement.

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

- 25 (1) participation in testing under this chapter;
 26 (2) receiving accommodations in testing materials and
 27 procedures;
 28 (3) participation in remediation under IC 20-32-8; or
 29 (4) retention at the same grade level for consecutive school years;

30 shall be made in accordance with the student's individualized education
 31 program in compliance with the **ISTEP assessment** program manual
 32 and federal law.

33 SECTION 39. IC 20-32-5-17, AS ADDED BY P.L.1-2005,
 34 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2012]: Sec. 17. (a) If a nonpublic school seeks accreditation
 36 as authorized under IC 20-19-2-8(a)(5), the governing body of the
 37 nonpublic school is entitled to acquire at no charge from the
 38 department:

- 39 (1) the **ISTEP assessment** program test; and
 40 (2) the scoring reports used by the department.

41 (b) The nonpublic school seeking accreditation must:

- 42 (1) administer the **ISTEP assessment** program test to its students

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1 at the same time that school corporations administer the test; and
 2 (2) make available to the department the results of the **ISTEP**
 3 **assessment** program testing.

4 SECTION 40. IC 20-32-6-1, AS ADDED BY P.L.1-2005,
 5 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2012]: Sec. 1. As used in this chapter, "committee" refers to
 7 the **ISTEP assessment** program citizens' review committee.

8 SECTION 41. IC 20-32-6-2, AS ADDED BY P.L.1-2005,
 9 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2012]: Sec. 2. The **ISTEP assessment** program citizens'
 11 review committee is established.

12 SECTION 42. IC 20-32-6-8, AS ADDED BY P.L.1-2005,
 13 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2012]: Sec. 8. The committee shall review the following that
 15 the department proposes for use in the **ISTEP assessment** program:

- 16 (1) Essay questions and prompts.
 17 (2) Scoring rubrics.

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

20 SECTION 43. IC 20-32-6-9, AS ADDED BY P.L.1-2005,
 21 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2012]: Sec. 9. The committee must reach a consensus on each
 23 item listed in section 8 of this chapter before the item may be used in
 24 the **ISTEP assessment** program.

25 SECTION 44. IC 20-32-8-11, AS ADDED BY P.L.1-2005,
 26 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2012]: Sec. 11. Notwithstanding the requirements of this
 28 chapter, any decisions made with regard to:

- 29 (1) attendance in a remediation program;
 30 (2) **ISTEP assessment** program testing; and
 31 (3) the grade level placement;

32 for a student who is a child with a disability (as defined in
 33 IC 20-35-1-2) shall be made in accordance with the individualized
 34 education program, state law, and federal law.

35 SECTION 45. IC 20-33-2-13, AS AMENDED BY P.L.140-2008,
 36 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2012]: Sec. 13. (a) A school corporation shall record or
 38 include the following information in the official high school transcript
 39 for a student in high school:

- 40 (1) Attendance records.
 41 (2) The student's latest **ISTEP assessment** program test results
 42 under IC 20-32-5.

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1 (3) Any secondary level and postsecondary level certificates of
2 achievement earned by the student.

3 (4) Immunization information from the immunization record the
4 student's school keeps under IC 20-34-4-1.

5 (5) Any dual credit courses taken that are included in the core
6 transfer library under IC 21-42-5-4.

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

10 SECTION 46. IC 20-35-8-1, AS AMENDED BY P.L.229-2011,
11 SECTION 195, IS AMENDED TO READ AS FOLLOWS
12 [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) Except as provided in
13 subsection (b), if a student with legal settlement in a school corporation
14 is transferred to attend school in another school corporation because of
15 a disability or multiple disabilities, the transferor corporation shall:

16 (1) either:

17 (A) provide; or

18 (B) pay for, in the amount determined under section 2 of this
19 chapter;

20 any transportation that is necessary or feasible, as determined
21 under section 2 of this chapter and the rules adopted by the state
22 board; and

23 (2) pay transfer tuition for the student to the transferee
24 corporation in accordance with IC 20-26-11.

25 (b) If the student attends a school operated through:

26 (1) a joint school service and supply program; or

27 (2) another cooperative program;

28 involving the school corporation of the student's legal settlement,
29 transportation and other costs shall be made in amounts and at the
30 times provided in the agreement or other arrangement made between
31 the participating school corporations.

32 (c) Student data, including **ISTEP assessment** program testing
33 scores, academic progress, grade level, and graduation date, for a
34 student described in subsection (a) shall be included in determinations
35 for the school corporation in which the student has legal settlement.

36 SECTION 47. IC 20-51-1-4.7, AS ADDED BY P.L.92-2011,
37 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38 JULY 1, 2012]: Sec. 4.7. "Eligible school" refers to a public or
39 nonpublic elementary school or high school that:

40 (1) is located in Indiana;

41 (2) requires an eligible individual to pay tuition or transfer tuition
42 to attend;

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- 1 (3) voluntarily agrees to enroll an eligible individual;
- 2 (4) is accredited by either the state board or a national or regional
- 3 accreditation agency that is recognized by the state board;
- 4 (5) administers the ~~Indiana statewide testing for educational~~
- 5 ~~progress (ISTEP) assessment~~ program under IC 20-32-5;
- 6 (6) is not a charter school or the school corporation in which an
- 7 eligible individual has legal settlement under IC 20-26-11; and
- 8 (7) submits to the department data required for a category **or**
- 9 designation under IC 20-31-8-3.
- 10 SECTION 48. IC 20-51-1-6, AS ADDED BY P.L.182-2009(ss),
- 11 SECTION 364, IS AMENDED TO READ AS FOLLOWS
- 12 [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) "Participating school" refers
- 13 to a public or nonpublic school that:
- 14 (1) an eligible student is required to pay tuition or transfer tuition
- 15 to attend;
- 16 (2) voluntarily agrees to enroll an eligible student;
- 17 (3) is accredited by either the state board or a national or regional
- 18 accreditation agency that is recognized by the state board; and
- 19 (4) administers the tests under the ~~Indiana statewide testing for~~
- 20 ~~educational progress (ISTEP) assessment~~ program or administers
- 21 another nationally recognized and norm-referenced assessment of
- 22 the school's students.
- 23 (b) The term does not include a public school in a school
- 24 corporation where the eligible student has legal settlement under
- 25 IC 20-26-11.

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