



Reprinted  
April 10, 2013

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**ENGROSSED**  
**SENATE BILL No. 189**

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DIGEST OF SB 189 (Updated April 9, 2013 5:45 pm - DI 116)

**Citations Affected:** IC 20-24.2 ; IC 20-30.

**Synopsis:** Performance-qualified schools. Establishes performance qualified school districts and high schools to provide flexibility in administration and instruction to school corporations or high schools that meet certain performance criteria. Provides that a performance qualified school district or high school is exempt from certain education statutes, rules, and guidelines. Establishes the performance criteria that must be met and the statutes, rules, and guidelines with which a performance qualified school district or high school must continue to comply.

**Effective:** Upon passage.

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**Delph, Kruse, Hershman, Schneider,  
Mishler, Taylor**

(HOUSE SPONSORS — HUSTON, BRAUN, TORR, GOODIN)

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January 7, 2013, read first time and referred to Committee on Education and Career Development.

January 17, 2013, amended, reported favorably — Do Pass.

January 22, 2013, read second time, amended, ordered engrossed.

January 23, 2013, engrossed.

January 31, 2013, returned to second reading.

February 4, 2013, reread second time, amended, ordered engrossed.

February 5, 2013, engrossed.

February 18, 2013, read third time, passed. Yeas 44, nays 5.

HOUSE ACTION

February 26, 2013, read first time and referred to Committee on Education.

April 2, 2013, amended, reported — Do Pass.

April 9, 2013, read second time, amended, ordered engrossed.

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ES 189—LS 6656/DI 71+



Reprinted  
April 10, 2013

First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

## ENGROSSED SENATE BILL No. 189

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 20-24.2 IS ADDED TO THE INDIANA CODE AS  
2 A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE UPON  
3 PASSAGE]:

4 **ARTICLE 24.2. PERFORMANCE QUALIFIED SCHOOLS**

5 **Chapter 1. Applicability**

6 **Sec. 1. This article applies to a school corporation or high school**  
7 **that receives a school performance and improvement rating of A**  
8 **under 511 IAC 6.2-6 for the 2011-2012 school year or any year**  
9 **thereafter.**

10 **Chapter 2. Definitions**

11 **Sec. 1. The definitions in this chapter apply throughout this**  
12 **article.**

13 **Sec. 2. "Qualified district" refers to a performance qualified**  
14 **school district designated under IC 20-24.2-5.**

15 **Sec. 3. "Qualified high school" refers to a high school that:**

16 **(1) is designated a performance qualified high school under**  
17 **IC 20-24.2-3; or**

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(2) receives a waiver by the state board under IC 20-24.2-4.  
**Chapter 3. Establishment of Performance Qualified High Schools**

**Sec. 1. Performance qualified high schools are established to provide flexibility in administration and instruction to high schools that receive a school performance and improvement rating of A under 511 IAC 6.2-6.**

**Sec. 2. (a) To be designated a qualified high school, the high school must receive a school performance and improvement rating of A under 511 IAC 6.2-6.**

**(b) After a high school receives a school performance and improvement rating of A under 511 IAC 6.2-6, the department shall certify the high school as a qualified high school. The certification is effective beginning with the school year following the school year in which the high school is certified.**

**(c) A qualified high school may provide instructional days in the manner described in IC 20-24.2-6-2 and is exempt from any or all of the statutes and rules listed in IC 20-24.2-6-3, as selected by the governing body of the school corporation containing the high school.**

**Sec. 3. A high school that is certified as a qualified high school is considered a qualified high school until:**

- (1) the high school's performance and improvement rating falls two (2) or more letter grades under 511 IAC 6.2-6 in a one (1) year period; or**
- (2) the high school receives a performance and improvement rating of B or lower under 511 IAC 6.2-6 for two (2) consecutive years.**

**Chapter 4. Performance Qualified High School Waivers**

**Sec. 1. (a) Before July 1, 2013, the state board shall establish criteria to be used to determine whether a high school that does not meet the requirements provided in IC 20-24.2-3-2(a) may receive a waiver to provide instructional days in the manner described in IC 20-24.2-6-2 and be exempt from any or all of the statutes and rules listed in IC 20-24.2-6-3. The state board's criteria to approve a high school's waiver request must be based on a method or methods of measuring academic standards of the high school, as approved by the state board. The criteria must require the curriculum and instruction of a school corporation to create academic performance at a high level through which students are college or career ready and globally competitive upon graduation from high school.**

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

7 Sec. 2. The principal of a high school, with the approval of the  
 8 governing body of the school corporation, may submit a request for  
 9 a waiver under this chapter. To be eligible for a waiver, the high  
 10 school must:

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

14 (2) provide a detailed explanation of how a waiver under this  
 15 chapter would be used to improve students' academic  
 16 performance at the high school.

17 Sec. 3. If a high school provides a waiver request that meets the  
 18 requirements of section 2 of this chapter, the state board may grant  
 19 the high school's waiver request and certify the high school as a  
 20 performance qualified high school. If the state board grants the  
 21 high school's waiver request, the high school is considered to be  
 22 certified as a qualified high school and may provide student  
 23 instructional days in the manner described in IC 20-24.2-6-2 and  
 24 is exempt from any or all of the statutes and rules listed in  
 25 IC 20-24.2-6-3. The certification is effective beginning with the  
 26 school year following the school year in which the high school is  
 27 certified.

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

32 **Chapter 5. Establishment of Performance Qualified School**  
 33 **Districts**

34 Sec. 1. Performance qualified school districts are established to  
 35 provide flexibility in administration and instruction to school  
 36 corporations that meet certain established performance criteria so  
 37 that the school corporations may provide curriculum, instruction,  
 38 programs, and educational innovations designed to engage students  
 39 in greater achievement.

40 Sec. 2. (a) To be designated as a qualified district, a school  
 41 corporation must meet the following initial criteria:

42 (1) The school corporation must receive a school performance

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1 and improvement rating of A under 511 IAC 6.2-6.

2 (2) At least eighty-five percent (85%) of the school  
3 corporation's students required to participate in the ISTEP  
4 program must receive a passing score on the ISTEP program  
5 test in both English/language arts and mathematics.

6 (b) If a school corporation meets the requirements provided in  
7 subsection (a), the department shall certify the school corporation  
8 as a qualified district. The certification is effective beginning with  
9 the school year following the school year in which the school  
10 corporation is certified.

11 (c) A school corporation that has been certified as a qualified  
12 district is exempt from any or all of the statutes and rules listed in  
13 IC 20-24.2-6-3, as selected by the school corporation.

14 **Sec. 3.** Notwithstanding any other law, a school corporation may  
15 not receive a decrease in state funding based upon the school  
16 corporation's status as a qualified district, or because of the  
17 implementation of a waiver of a statute or rule that is allowed to be  
18 waived by a qualified district.

19 **Sec. 4.** A school corporation that is certified as a qualified  
20 district under this chapter is considered a qualified district until:

21 (1) the school corporation's performance and improvement  
22 rating falls two (2) or more letter grades under 511 IAC 6.2-6  
23 in a one (1) year period; or

24 (2) the school corporation receives a performance and  
25 improvement rating of B or lower under 511 IAC 6.2-6 for  
26 two (2) consecutive years.

27 **Chapter 6. Qualified District and Qualified High School Powers  
28 and Exemptions**

29 **Sec. 1. (a)** A qualified district or qualified high school shall  
30 ensure continued compliance with:

31 (1) applicable federal and state laws; and

32 (2) the Constitution of the United States and the Constitution  
33 of the State of Indiana.

34 (b) A qualified district or qualified high school is subject to all  
35 federal and state laws and constitutional provisions that prohibit  
36 discrimination.

37 **Sec. 2. (a)** IC 20-30-2-2 does not apply to a high school student  
38 who attends a qualified high school and who is enrolled in at least  
39 twelve (12) credit hours of dual credit courses.

40 (b) During each school year, a qualified district or qualified high  
41 school shall provide at least one hundred eighty (180) student  
42 instructional days. A qualified high school may provide

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1 instructional days in the manner described in IC 20-30-2-2(c). A  
 2 qualified district must provide instructional days in the manner  
 3 provided in IC 20-30-2-2(a) and IC 20-30-2-2(b).

4 **Sec. 3. Except as specifically provided in this article and section**  
 5 **4 of this chapter, the following provisions of this title and a rule or**  
 6 **guideline adopted by the state board under one (1) of the following**  
 7 **provisions of this title do not apply to a qualified district or**  
 8 **qualified high school:**

9 (1) Provisions that do not apply to school corporations in  
 10 general.

11 (2) IC 20-20 (programs administered by the state), except for  
 12 IC 20-20-1 (educational service centers) and IC 20-20-8  
 13 (school corporation annual performance report).

14 (3) IC 20-28 (school teachers), except for IC 20-28-5-8  
 15 (conviction of certain felonies; notice and hearing; permanent  
 16 revocation of license; data base of school employees who have  
 17 been reported), IC 20-28-6 (teacher contracts), IC 20-28-7.5  
 18 (cancellation of teacher contracts), IC 20-28-8 (contracts with  
 19 school administrators), IC 20-28-9 (teacher salary and related  
 20 payments), and IC 20-28-10 (conditions of employment).

21 (4) IC 20-30 (curriculum), except for IC 20-30-3-2 and  
 22 IC 20-30-3-4 (patriotic commemorative observances) and  
 23 IC 20-30-5-19 (personal financial responsibility instruction).

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

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

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

30 (8) IC 21-43-4-19 (rules or guidelines adopted to carry out  
 31 postsecondary enrollment opportunities).

32 **Sec. 4. The following provisions of this title and rules and**  
 33 **guidelines adopted under the following provisions of this title apply**  
 34 **to a qualified district or, if applicable, to a qualified high school:**

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

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

37 IC 20-23 (organization of school corporations).

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

40 IC 20-27 (school transportation).

41 IC 20-28-5-8 (conviction of certain felonies; notice and  
 42 hearing; permanent revocation of license; data base of school

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- 1 employees who have been reported).  
 2 IC 20-28-6 (teacher contracts).  
 3 IC 20-28-7.5 (cancellation of teacher contracts).  
 4 IC 20-28-8 (contracts with school administrators).  
 5 IC 20-28-9 (teacher salary and related payments).  
 6 IC 20-28-10 (conditions of employment).  
 7 IC 20-29 (collective bargaining for teachers).  
 8 IC 20-30-3-2 and IC 20-30-3-4 (patriotic commemorative  
 9 observances).  
 10 IC 20-30-5-19 (personal financial responsibility instruction).  
 11 IC 20-31 (accountability for school performance and  
 12 improvement).  
 13 IC 20-32-4, IC 20-32-5, and IC 20-32-8, or any other statute,  
 14 rule, or guideline related to standardized assessments  
 15 (accreditation, assessment, and remediation).  
 16 IC 20-33 (students: general provisions).  
 17 IC 20-34-3 (health and safety measures).  
 18 IC 20-35 (special education).  
 19 IC 20-39 (accounting procedures).  
 20 IC 20-40 (government funds and accounts).  
 21 IC 20-41 (extracurricular funds and accounts).  
 22 IC 20-42.5 (allocation of expenditures to student instruction).  
 23 IC 20-43 (state tuition support).  
 24 IC 20-44 (property tax levies).  
 25 IC 20-45 (general fund levies).  
 26 IC 20-46 (levies other than general fund levies).  
 27 IC 20-47 (related entities; holding companies; lease  
 28 agreements).  
 29 IC 20-48 (borrowing and bonds).  
 30 IC 20-49 (state management of common school funds; state  
 31 advances and loans).  
 32 IC 20-50 (homeless children and foster care children).  
 33 **Sec. 5. (a) A qualified district may display the words "Indiana**  
 34 **Performance-Qualified School District" on the qualified district's**  
 35 **correspondence, Internet web site, and any other communications**  
 36 **representing the qualified district.**  
 37 **(b) A qualified high school may display the words "Indiana**  
 38 **Performance Qualified High School" on the high school's**  
 39 **correspondence, Internet web site, and any other communications**  
 40 **representing the high school.**  
 41 **Chapter 5. Rules**  
 42 **Sec. 1. The state board shall adopt rules under IC 4-22-2 to**

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- 1 **implement this article.**  
2 **Sec. 2. (a) The state board may adopt emergency rules in the**  
3 **manner provided under IC 4-22-2-37.1 to implement this chapter.**  
4 **(b) This section expires July 1, 2014.**  
5 SECTION 2. IC 20-30-2-2, AS ADDED BY P.L.242-2005,  
6 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
7 UPON PASSAGE]: Sec. 2. (a) A student instructional day in grades 1  
8 through 6 consists of at least five (5) hours of instructional time. Except  
9 as provided in subsection (b) **or (c)**, a student instructional day in  
10 grades 7 through 12 consists of at least six (6) hours of instructional  
11 time.  
12 (b) **Except as provided in subsection (c)**, an instructional day for  
13 a school flex program under section 2.2 of this chapter consists of a  
14 minimum of three (3) hours of instructional time.  
15 (c) **A student instructional day for a qualified high school (as**  
16 **defined by IC 20-24.2-2-3) consists of any amount of instructional**  
17 **time.**  
18 SECTION 3. **An emergency is declared for this act.**

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## COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill No. 189, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, delete lines 33 through 35.

Page 2, line 36, delete "(4)" and insert "(3)".

Page 3, line 23, delete "I-READ" and insert "**required reading**".

Page 4, line 11, delete "A" and insert "**Notwithstanding any other law, a**".

Page 4, line 19, after "(2)" insert "**the Constitution of the United States and**".

Page 4, line 21, delete "on the basis" and insert ".".

Page 4, delete lines 22 through 29.

Page 4, line 37, delete "the".

Page 4, delete line 38 and insert "**section 4 of this chapter, a rule or guideline adopted by the state board does**".

Page 4, line 39, delete "district:" and insert "**district.**".

Page 4, delete lines 40 through 42.

Page 5, delete lines 1 through 3.

Page 5, line 4, delete "statutes and".

Page 5, between lines 7 and 8, begin a new line block indented and insert:

**"(2) IC 5-14 (public records and public meetings).**

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

**(4) IC 20-23 (organization of school corporations)."**

Page 5, line 8, delete "(2)" and insert "**(5)**".

Page 5, line 10, delete "(3)" and insert "**(6)**".

Page 5, between lines 10 and 11, begin a new line block indented and insert:

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

Page 5, line 11, delete "(4)" and insert "**(8)**".

Page 5, line 12, delete "(5)" and insert "**(9)**".

Page 5, line 13, delete "(6)" and insert "**(10)**".

Page 5, line 14, delete "(7)" and insert "**(11)**".

Page 5, line 15, delete "(8)" and insert "**(12)**".

Page 5, line 16, delete "(9)" and insert "**(13)**".



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Page 5, line 17, delete "(10)" and insert "(14)".  
 Page 5, line 19, delete "(11)" and insert "(15)".  
 Page 5, line 21, delete "(12)" and insert "(16)".  
 Page 5, line 23, delete "(13)" and insert "(17)".  
 Page 5, line 26, delete "(14)" and insert "(18)".  
 Page 5, line 27, delete "(15)" and insert "(19)".  
 Page 5, line 28, delete "(16)" and insert "(20)".  
 Page 5, line 29, delete "(17)" and insert "(21)".  
 Page 5, line 30, delete "(18)" and insert "(22)".  
 Page 5, line 31, delete "(19)" and insert "(23)".  
 Page 5, line 32, delete "(20)" and insert "(24)".  
 Page 5, line 34, delete "(21)" and insert "(25)".  
 Page 5, line 35, delete "(22)" and insert "(26)".  
 Page 5, line 36, delete "(23)" and insert "(27)".  
 Page 5, line 37, delete "(24)" and insert "(28)".  
 Page 5, line 38, delete "(25)" and insert "(29)".  
 Page 5, line 40, delete "(26)" and insert "(30)".  
 Page 5, line 41, delete "(27)" and insert "(31)".  
 Page 6, line 1, delete "(28)" and insert "(32)".

and when so amended that said bill do pass.

(Reference is to SB 189 as introduced.)

KRUSE, Chairperson

Committee Vote: Yeas 9, Nays 0.

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SENATE MOTION

Madam President: I move that Senate Bill 189 be amended to read as follows:

Page 4, line 29, after "chapter," insert "**the following provisions of this title and**".

Page 4, line 30, delete "does" and insert "**under one (1) of the following provisions of this title do not**".

Page 4, line 30, delete "district." and insert "**district:**

**(1) Provisions that do not apply to school corporations in general.**

**(2) IC 20-20 (programs administered by the state), except for IC 20-20-1 (educational service centers) and IC 20-20-8 (school corporation annual performance report).**

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(3) IC 20-28 (school teachers), except for IC 20-28-5-8 (conviction of certain felonies; notice and hearing; permanent revocation of license; data base of school employees who have been reported), IC 20-28-6 (teacher contracts), IC 20-28-7.5 (cancellation of teacher contracts), IC 20-28-8 (contracts with school administrators), IC 20-28-9 (teacher salary and related payments), and IC 20-28-10 (conditions of employment).

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

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

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

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

Page 4, line 31, after "following" insert "provisions of this title and".

Page 4, line 32, delete "statutes" and insert "provisions of this title".

Page 4, delete lines 33 through 35, begin a new line block indented and insert:

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

Page 4, line 36, delete "(3)".

Page 4, line 38, delete "(4)".

Page 4, line 39, delete "(5)".

Page 4, line 41, delete "(6)".

Page 4, line 42, delete "(7)".

Page 5, line 3, delete "(8)".

Page 5, line 4, delete "(9)".

Page 5, line 5, delete "(10)".

Page 5, line 6, delete "(11)".

Page 5, line 7, delete "(12)".

Page 5, line 8, delete "(13)".

Page 5, line 9, delete "(14)".

Page 5, line 11, delete "(15)".

Page 5, line 13, delete "(16)".

Page 5, line 15, delete "(17)".

Page 5, line 18, delete "(18)".

Page 5, line 19, delete "(19)".

Page 5, line 20, delete "(20)".

Page 5, line 21, delete "(21)".

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Page 5, line 22, delete "(22)".  
Page 5, line 23, delete "(23)".  
Page 5, line 24, delete "(24)".  
Page 5, line 26, delete "(25)".  
Page 5, line 27, delete "(26)".  
Page 5, line 28, delete "(27)".  
Page 5, line 29, delete "(28)".  
Page 5, line 30, delete "(29)".  
Page 5, line 32, delete "(30)".  
Page 5, line 33, delete "(31)".  
Page 5, line 35, delete "(32)".

(Reference is to SB 189 as printed January 18, 2013.)

DELPH

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SENATE MOTION

Madam President: I move that Senate Bill 189 be amended to read as follows:

Page 2, line 35, delete "During the period in which a school corporation is".

Page 2, line 36, delete "certified as a district, the" and insert "A".

Page 2, line 37, delete "each year".

Page 2, line 38, delete "district:" and insert "**district at the time the department conducts the status review under section 6(a) of this chapter:**".

(Reference is to SB 189 as printed January 18, 2013.)

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SENATE MOTION

Madam President: I move that Senate Bill 189 be amended to read as follows:

Page 2, line 29, delete "or".

Page 2, between lines 29 and 30, begin a new line double block indented and insert:



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**"(B) must graduate with an academic honors diploma; or".**  
Page 2, line 30, delete "(B)" and insert "(C)".

(Reference is to SB 189 as printed January 18, 2013.)

MILLER PETE

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SENATE MOTION

Madam President: I move that Senate Bill 189, which is eligible for third reading, be returned to second reading for purposes of amendment.

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SENATE MOTION

Madam President: I move that Senate Bill 189 be amended to read as follows:

Page 4, line 22, after "2." insert "**(a)**".

Page 4, line 27, delete "However, the", begin a new paragraph and insert:

**"(b) The".**

Page 4, line 28, after "days." insert "**However, the total number of minutes of instruction provided under subsection (a) may not be less than the greatest total number of minutes provided during any one (1) school year of the five (5) school years immediately preceding the current school year.**

**(c) Student activities that:**

- (1) are organized by the district;**
- (2) occur outside the traditional classroom; and**
- (3) are designed to provide instruction or academic enrichment;**

**are included as student instructional time under subsection (a)".**

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Page 6, after line 16, begin a new paragraph and insert:

**"Chapter 5. Rules**

**Sec. 1. The state board shall adopt rules under IC 4-22-2 to implement this article."**

Renumber all SECTIONS consecutively.

(Reference is to SB 189 as reprinted January 23, 2013.)

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Senate Bill 189, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17, begin a new paragraph and insert:  
"SECTION 1. IC 20-24.2 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

**ARTICLE 24.2. PERFORMANCE QUALIFIED SCHOOLS**

**Chapter 1. Applicability**

**Sec. 1. This article applies to a school corporation or high school that receives a school performance and improvement rating of A under 511 IAC 6.2-6 for the 2011-2012 school year or any year thereafter.**

**Chapter 2. Definitions**

**Sec. 1. The definitions in this chapter apply throughout this article.**

**Sec. 2. "Qualified district" refers to a performance qualified school district designated under IC 20-24.2-5.**

**Sec. 3. "Qualified high school" refers to a high school that:**

- (1) is designated a performance qualified high school under IC 20-24.2-3; or**
- (2) receives a waiver by the state board under IC 20-24.2-4.**

**Chapter 3. Establishment of Performance Qualified High Schools**

**Sec. 1. Performance qualified high schools are established to provide flexibility in administration and instruction to high schools that receive a school performance and improvement rating of A under 511 IAC 6.2-6.**

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**Sec. 2. (a) To be designated a qualified high school, the high school must receive a school performance and improvement rating of A under 511 IAC 6.2-6.**

**(b) After a high school receives a school performance and improvement rating of A under 511 IAC 6.2-6, the department shall certify the high school as a qualified high school. The certification is effective beginning with the school year following the school year in which the high school is certified.**

**(c) A qualified high school may provide instructional days in the manner described in IC 20-24.2-6-2 and is exempt from any or all of the statutes and rules listed in IC 20-24.2-6-3, as selected by the governing body of the school corporation containing the high school.**

**Sec. 3. A high school that is certified as a qualified high school is considered a qualified high school until:**

- (1) the high school's performance and improvement rating falls two (2) or more letter grades under 511 IAC 6.2-6 in a one (1) year period; or**
- (2) the high school receives a performance and improvement rating of B or lower under 511 IAC 6.2-6 for two (2) consecutive years.**

#### **Chapter 4. Performance Qualified High School Waivers**

**Sec. 1. The state board shall establish criteria to be used to determine whether a high school that does not meet the requirements provided in IC 20-24.2-3-2(a) may receive a waiver to provide instructional days in the manner described in IC 20-24.2-6-2 and be exempt from any or all of the statutes and rules listed in IC 20-24.2-6-3. The state board's criteria to approve a high school's waiver request must be based on a method or methods of measuring academic standards of the high school, as approved by the state board. The criteria must require the curriculum and instruction of a school corporation to create academic performance at a high level through which students are college or career ready and globally competitive upon graduation from high school.**

**Sec. 2. The principal of a high school, with the approval of the governing body of the school corporation, may submit a request for a waiver under this chapter. To be eligible for a waiver, the high school must:**

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



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(2) provide a detailed explanation of how a waiver under this chapter would be used to improve students' academic performance at the high school.

**Sec. 3.** If a high school provides a waiver request that meets the requirements of section 2 of this chapter, the state board may grant the high school's waiver request and certify the high school as a performance qualified high school. If the state board grants the high school's waiver request, the high school is considered to be certified as a qualified high school and may provide student instructional days in the manner described in IC 20-24.2-6-2 and is exempt from any or all of the statutes and rules listed in IC 20-24.2-6-3. The certification is effective beginning with the school year following the school year in which the high school is certified.

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

#### **Chapter 5. Establishment of Performance Qualified School Districts**

**Sec. 1.** Performance qualified school districts are established to provide flexibility in administration and instruction to school corporations that meet certain established performance criteria so that the school corporations may provide curriculum, instruction, programs, and educational innovations designed to engage students in greater achievement.

**Sec. 2. (a)** To be designated as a qualified district, a school corporation must meet the following initial criteria:

(1) The school corporation must receive a school performance and improvement rating of A under 511 IAC 6.2-6.

(2) At least eighty-five percent (85%) of the school corporation's students required to participate in the ISTEP program must receive a passing score on the ISTEP program test in both English/language arts and mathematics.

(b) If a school corporation meets the requirements provided in subsection (a), the department shall certify the school corporation as a qualified district. The certification is effective beginning with the school year following the school year in which the school corporation is certified.

(c) A school corporation that has been certified as a qualified district is exempt from any or all of the statutes and rules listed in IC 20-24.2-6-3, as selected by the school corporation.



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**Sec. 3.** Notwithstanding any other law, a school corporation may not receive a decrease in state funding based upon the school corporation's status as a qualified district, or because of the implementation of a waiver of a statute or rule that is allowed to be waived by a qualified district.

**Sec. 4.** A school corporation that is certified as a qualified district under this chapter is considered a qualified district until:

- (1) the school corporation's performance and improvement rating falls two (2) or more letter grades under 511 IAC 6.2-6 in a one (1) year period; or
- (2) the school corporation receives a performance and improvement rating of B or lower under 511 IAC 6.2-6 for two (2) consecutive years.

**Chapter 6. Qualified District and Qualified High School Powers and Exemptions**

**Sec. 1. (a)** A qualified district or qualified high school shall ensure continued compliance with:

- (1) applicable federal and state laws; and
- (2) the Constitution of the United States and the Constitution of the State of Indiana.

**(b)** A qualified district or qualified high school is subject to all federal and state laws and constitutional provisions that prohibit discrimination.

**Sec. 2.** During each school year, a qualified district or qualified high school shall provide at least one hundred eighty (180) student instructional days. A qualified high school may provide instructional days in the manner described in IC 20-30-2-2(c). A qualified district must provide instructional days in the manner provided in IC 20-30-2-2(a) and IC 20-30-2-2(b)."

Delete pages 2 through 3.

Page 4, delete lines 1 through 39.

Page 5, line 1, delete "district:" and insert "**qualified district or qualified high school:**".

Page 5, line 25, delete "district:" and insert "**qualified district or, if applicable, to a qualified high school:**".

Page 6, line 24, after "5." insert "(a)".

Page 6, line 24, after "A" insert "**qualified**".

Page 6, line 25, after "the" insert "**qualified**".

Page 6, line 27, after "the" insert "**qualified**".

Page 6, between lines 27 and 28, begin a new paragraph and insert:  
**"(b) A qualified high school may display the words "Indiana Performance Qualified High School" on the high school's**

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correspondence, Internet web site, and any other communications representing the high school."

Page 6, after line 30, begin a new paragraph and insert:

**"Sec. 2. (a) The state board may adopt emergency rules in the manner provided under IC 4-22-2-37.1 to implement this chapter.**

**(b) This section expires July 1, 2014.**

SECTION 2. IC 20-30-2-1, AS ADDED BY P.L.1-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. As used in this chapter, "instructional time" is:

**(1) except as provided in subdivision (2),** time during which students are participating in:

**(1) (A)** an approved course;

**(2) (B)** a curriculum; or

**(3) (C)** an educationally related activity;

under the direction of a teacher, including a reasonable amount of passing time between classes; **or**

**(2) for a qualified high school (as defined by IC 20-24.2-2-3), time during which students are participating in:**

**(A) an approved course;**

**(B) a curriculum; or**

**(C) an educationally related activity;**

**provided on or off school property by any means of instruction under the direction of a teacher, including a reasonable amount of passing time between classes for instruction provided on school property.**

Instructional time does not include lunch or recess.

SECTION 3. IC 20-30-2-2, AS ADDED BY P.L.242-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) A student instructional day in grades 1 through 6 consists of at least five (5) hours of instructional time. Except as provided in subsection (b) **or (c)**, a student instructional day in grades 7 through 12 consists of at least six (6) hours of instructional time.

**(b) Except as provided in subsection (c),** an instructional day for a school flex program under section 2.2 of this chapter consists of a minimum of three (3) hours of instructional time.

**(c) A student instructional day for a qualified high school (as defined by IC 20-24.2-2-3) consists of any amount of instructional**

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**time as defined in section 1(2) of this chapter.**

**SECTION 4. An emergency is declared for this act."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 189 as reprinted February 5, 2013.)

BEHNING, Chair

Committee Vote: yeas 11, nays 0.

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HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 189 be amended to read as follows:

Page 2, line 30, delete "The" and insert "**(a) Before July 1, 2013, the**".

Page 2, after line 42, begin a new paragraph and insert:

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

Page 4, line 31, after "2." insert "**(a) IC 20-30-2-2 does not apply to a high school student who attends a qualified high school and who is enrolled in at least twelve (12) credit hours of dual credit courses.**

**(b)"**

Page 5, between lines 20 and 21, begin a new line block indented and insert:

**"(8) IC 21-43-4-19 (rules or guidelines adopted to carry out postsecondary enrollment opportunities)."**

Page 6, delete lines 36 through 42.

Page 7, delete lines 1 through 13.

Page 7, line 26, delete "as defined in section 1(2) of this chapter." and insert ".".

Renumber all SECTIONS consecutively.

(Reference is to ESB 189 as printed April 2, 2013.)

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