CONFERENCE COMMITTEE REPORT
DIGEST FOR ESB 189

Citations Affected: IC 20-24.2; IC 20-30-2-2.

Synopsis: Performance qualified schools. Conference committee report for ESB 189. Provides for the designation of performance qualified school districts and high schools so as to provide flexibility in administration and instruction to school corporations and high schools that are placed in the highest performance and improvement category or designation or, in the case of high schools, that receive a waiver from the state board of education. Provides that a performance qualified school district or high school is exempt from certain education statutes, rules, and guidelines. Specifies the statutes, rules, and guidelines with which a performance qualified school district or high school must continue to comply. **(This conference committee report includes: (1) from the senate version of the bill, a provision that allows a qualified high school to conduct an amount of instructional time equivalent to 180 days without conducting 180 actual days; (2) from the house version of the bill: (A) provisions under which school corporations and high schools qualify as performance qualified by receiving a performance and improvement rating in the highest category; (B) a waiver procedure for high schools that would not otherwise qualify to be included; and (C) a provision specifying that instructional time requirements do not apply to certain students attending dual credit courses on postsecondary educational institution campuses; (3) provisions concerning statutes with which qualified school corporations and high schools are required to comply, and statutes from which qualified school corporations and high schools are exempt that are common to both versions; and (4) new provisions: (A) referring topics relating to qualified school corporations and high schools to the commission on education study committee; and (B) adding statutes pertaining to teachers, abstinence education, and access to materials relating to personal analysis to the list of statutes with which qualified school corporations and high schools are required to comply.)**

Effective: Upon passage; July 1, 2013.

Adopted	Rejected

CONFERENCE COMMITTEE REPORT

MR. SPEAKER:

Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill No. 189 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 20-24.2 IS ADDED TO THE INDIANA CODE AS A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]:

ARTICLE 24.2. PERFORMANCE QUALIFIED SCHOOL DISTRICTS

Chapter 1. Definitions

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

Sec. 2. "Qualified district" refers to a performance qualified school district.

Sec. 3. "Qualified high school" refers to a performance qualified high school or a high school that receives a waiver under IC 20-24.2-3.

Chapter 2. Establishment of Performance Qualified School Districts and High Schools

Sec. 1. Performance qualified school districts and high schools are established to provide flexibility in administration and instruction to school corporations and high schools that meet certain established performance criteria so that the school corporations and high schools may provide curriculum,

instruction, programs, and educational innovations designed to engage students in achievement greater than the achievement required for the school corporations and high schools to be placed in the highest performance category or designation by the department under IC 20-31-8.

Sec. 2. (a) To be designated as a qualified district, a school corporation must be placed in the highest performance and improvement category or designation by the department under IC 20-31-8 for the 2011-2012 school year or any school year thereafter.

(b) To be designated as a qualified high school, a high school must be placed in the highest performance and improvement category or designation by the department under IC 20-31-8 for the 2011-2012 school year or any school year thereafter.

(c) A school corporation or high school that has been certified under this section is exempt from any or all of the statutes and rules that are not set forth in IC 20-24.2-4-4, as selected by the governing body of the school corporation or high school.

Sec. 3. (a) A school corporation that is designated as a qualified district under this chapter is considered a qualified district until:

(1) the school corporation's performance and improvement rating falls two (2) or more categories in a one (1) year period; or

(2) the school corporation receives a performance and improvement rating in the second highest category or designation or lower for two (2) consecutive years.

(b) A high school that is designated as a qualified high school under this chapter is considered a qualified high school until:

(1) the high school's performance and improvement rating falls two (2) or more categories in a one (1) year period; or

(2) the high school receives a performance and improvement rating in the second highest category or designation or lower for two (2) consecutive years.

Chapter 3. Performance Qualified High School Waivers

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

(b) Not later than November 1, 2013, the state board shall submit the criteria developed by the state board to grant a waiver under subsection (a) to the general assembly in an electronic

format under IC 5-14-6. During the 2014 session of the general assembly, the general assembly may reject, modify, or codify the criteria developed by the state board under subsection (a).

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

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

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

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

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

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

Chapter 4. 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. (a) During each school year, a qualified district or qualified high school shall provide at least sixty-four thousand eight hundred (64,800) minutes of instruction and learning for grades 9 through 12.

(b) A qualified district or qualified high school is not required to provide at least one hundred eighty (180) student instructional days. However, the total number of minutes of instruction provided in a school year under subsection (a) may not be less than the greatest total number of minutes provided during any one (1) school year of the five (5) school years immediately preceding the school year.

(c) Student activities that:

(1) are organized by the qualified district or qualified high school;

(2) occur outside the traditional classroom; and

(3) are designed to provide instruction or academic enrichment;

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

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

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

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

(3) IC 20-28 (school teachers), except for IC 20-28-3-4 (teacher continuing education), IC 20-28-4-8 (hiring of transition to teaching participants; restrictions), IC 20-28-4-11 (transition to teaching participants; school corporation or subject area; transition to teaching permit), IC 20-28-5-8 (conviction of certain felonies; notice and hearing; permanent revocation of license; data base of school employees who have been reported), IC 20-28-6 (teacher contracts), IC 20-28-7.5 (cancellation of teacher contracts), IC 20-28-8 (contracts with school administrators), IC 20-28-9 (teacher salary and related payments), IC 20-28-10 (conditions of employment), and IC 20-28-11.5 (staff performance evaluations).

(4) IC 20-30 (curriculum), except for IC 20-30-3-2 and IC 20-30-3-4 (patriotic commemorative observances), IC 20-30-5-13 (human sexuality instructional requirements), IC 20-30-5-17 (access to materials relating to personal analysis, evaluation, or survey of students; consent for participation), and IC 20-30-5-19 (personal financial responsibility instruction).

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

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

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

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

Sec. 4. The following provisions of this title and rules and

guidelines adopted under the following provisions of this title apply to a qualified district or qualified high school:

IC 20-20-1 (educational service centers).
IC 20-20-8 (school corporation annual performance report).
IC 20-23 (organization of school corporations).
IC 20-26 (school corporation general administrative provisions).
IC 20-27 (school transportation).
IC 20-28-3-4 (teacher continuing education).
IC 20-28-4-8 (hiring of transition to teaching participants; restrictions).
IC 20-28-4-11 (transition to teaching participants; school corporation or subject area; transition to teaching permit).
IC 20-28-5-8 (conviction of certain felonies; notice and hearing; permanent revocation of license; data base of school employees who have been reported).
IC 20-28-6 (teacher contracts).
IC 20-28-7.5 (cancellation of teacher contracts).
IC 20-28-8 (contracts with school administrators).
IC 20-28-9 (teacher salary and related payments).
IC 20-28-10 (conditions of employment).
IC 20-28-11.5 (staff performance evaluations).
IC 20-29 (collective bargaining for teachers).
IC 20-30-3-2 and IC 20-30-3-4 (patriotic commemorative observances).
IC 20-30-5-13 (human sexuality instructional requirements).
IC 20-30-5-17 (access to materials relating to personal analysis, evaluation, or survey of students; consent for participation).
IC 20-30-5-19 (personal financial responsibility instruction).
IC 20-31 (accountability for school performance and improvement).
IC 20-32-4, IC 20-32-5, and IC 20-32-8 (accreditation, assessment, and remediation), or any other statute, rule, or guideline related to standardized assessments.
IC 20-33 (students: general provisions).
IC 20-34-3 (health and safety measures).
IC 20-35 (special education).
IC 20-39 (accounting and financial reporting procedures).
IC 20-40 (government funds and accounts).
IC 20-41 (extracurricular funds and accounts).
IC 20-42.5 (allocation of expenditures to student instruction).
IC 20-43 (state tuition support).
IC 20-44 (property tax levies).
IC 20-45 (general fund levies).
IC 20-46 (levies other than general fund levies).
IC 20-47 (related entities; holding companies; lease agreements).
IC 20-48 (borrowing and bonds).
IC 20-49 (state management of common school funds; state advances and loans).

IC 20-50 (homeless children and foster care children).

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

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

Chapter 5. Rules

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

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

(b) This section expires July 1, 2014.

Chapter 6. Evaluation of Performance Qualified Program

Sec. 1. The commission on education study committee established by IC 2-5-38.1, as added by SEA 409-2013, SECTION 1, shall:

(1) monitor the effectiveness of the performance qualified school district and high school program;

(2) study and make recommendations to the general assembly concerning the issue of the length of the school year and the use of time equivalents to one hundred eighty (180) days by qualified districts and qualified high schools; and

(3) study and make recommendations to the general assembly concerning the expansion of the performance qualified schools program to middle schools and elementary schools.

SECTION 2. 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), **(c), or (d),** 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 in IC 20-24.2-1-3) consists of any amount of instructional time.

(d) A high school student who is enrolled in at least twelve (12) credit hours of on-campus dual credit courses (as described in IC 21-43-1-2.5) is not required to comply with subsection (a) during the semester in which the student is enrolled in at least twelve (12) credit hours.

SECTION 3. **An emergency is declared for this act.**

(Reference is to ESB 189 as reprinted April 10, 2013.)

Conference Committee Report
on
Engrossed Senate Bill 189

Signed by:

Senator Delph Chairperson	Representative Huston
Senator Kruse	Representative Braun
Senate Conferees	**House Conferees**