

# HOUSE BILL No. 1166

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## DIGEST OF INTRODUCED BILL

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

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

**Effective:** July 1, 2013.

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January 10, 2013, read first time and referred to Committee on Education.

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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.

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# HOUSE BILL No. 1166



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 JULY 1,  
 3 2013]:  
 4 **ARTICLE 24.2. PERFORMANCE-QUALIFIED SCHOOL**  
 5 **DISTRICTS**  
 6 **Chapter 1. Definitions**  
 7 **Sec. 1. The definitions in this chapter apply throughout this**  
 8 **article.**  
 9 **Sec. 2. "Data baseline" means the data elements established by**  
 10 **the department set forth in IC 20-24.2-2-3.**  
 11 **Sec. 3. "District" refers to a performance-qualified school**  
 12 **district.**  
 13 **Chapter 2. Establishment of Performance-Qualified School**  
 14 **Districts**  
 15 **Sec. 1. Performance-qualified school districts are established to**  
 16 **provide flexibility in administration and instruction to school**  
 17 **corporations that meet certain established performance criteria so**



1 that the school corporations may provide curriculum, instruction,  
 2 programs, and educational innovations designed to engage students  
 3 in achievement greater than the achievement required for the  
 4 school corporations to be placed in the highest performance  
 5 category or designation by the department under IC 20-31-8.

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

8 (1) Meet or exceed each element of the data baseline  
 9 established under section 3 of this chapter.

10 (2) Be placed in the highest performance category or  
 11 designation by the department under IC 20-31-8.

12 (b) After a school corporation meets the criteria set forth in  
 13 subsection (a), the department shall certify the school corporation  
 14 as a district for a four (4) year period. The certification is effective  
 15 beginning with the school year following the school year in which  
 16 the district is certified.

17 (c) A district that has been certified is exempt from any or all of  
 18 the statutes and rules that are not set forth in IC 20-24.2-4, as  
 19 selected by the district.

20 **Sec. 3.** The department shall establish the data elements that  
 21 comprise the data baseline. The data elements must demonstrate  
 22 the curriculum and instruction of a school corporation to create  
 23 academic performance at a high level through which students are  
 24 college or career ready and globally competitive upon graduation  
 25 from high school by achieving the following:

26 (1) At least twenty-five percent (25%) of students graduating  
 27 each year in the school corporation:

28 (A) must earn a grade of 3, 4, or 5 on at least one (1)  
 29 Advanced Placement examination; or

30 (B) must graduate with a technical honors diploma.

31 (2) The school corporation must have a graduation rate of at  
 32 least ninety percent (90%).

33 (3) The composite SAT scores of the school corporation's  
 34 graduates must be higher than the state-wide average SAT  
 35 scores.

36 (4) Other data elements the department determines are  
 37 appropriate.

38 **Sec. 4.** During the period in which a school corporation is  
 39 certified as a district, the district shall meet or exceed the following  
 40 benchmarks each year for the district and for each school in the  
 41 district:

42 (1) For the district as a whole, there must be participation in

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1 performance-based measures determined jointly by the  
2 department and the district.

3 (2) For a high school, at least eighty-five percent (85%) of the  
4 students must achieve a passing score on end of course  
5 assessments in:

- 6 (A) Algebra I;
- 7 (B) English 10; or
- 8 (C) both Algebra I and English 10.

9 (3) For a middle school, at least eighty-five percent (85%) of  
10 the students in grades 6, 7, and 8 must achieve a passing score  
11 on ISTEP assessments in:

- 12 (A) English;
- 13 (B) mathematics; or
- 14 (C) both English and mathematics.

15 (4) For an elementary school:

16 (A) at least eighty-five percent (85%) of the students in  
17 grades 3, 4, and 5 must achieve a passing score on ISTEP  
18 assessments in:

- 19 (i) English;
- 20 (ii) mathematics; or
- 21 (iii) both English and mathematics; and

22 (B) at least eighty-five percent (85%) of the students in  
23 grade 3 must pass the I-READ assessment.

24 **Sec. 5.** A district shall report annually to the department the  
25 district's performance concerning the criteria set forth in section  
26 2(a) of this chapter and the benchmarks set forth in section 4 of  
27 this chapter.

28 **Sec. 6. (a)** After a school corporation has received certification  
29 as a district, the department shall conduct a status review of the  
30 district's performance at the end of the third school year following  
31 the district's certification.

32 (b) If the district demonstrates that it continues to meet the  
33 criteria set forth in section 2(a) of this chapter and the benchmarks  
34 set forth in section 4 of this chapter, the school corporation shall be  
35 recertified as a district for an additional four (4) year period.

36 (c) If the district fails to meet the criteria set forth in section 2(a)  
37 of this chapter, the benchmarks set forth in section 4 of this  
38 chapter, or both, the school corporation shall receive a temporary  
39 certification as a district for the fourth year of the certification  
40 period. If, at the end of the fourth year, the school corporation fails  
41 to meet the criteria set forth in section 2(a) of this chapter or the  
42 benchmarks set forth in section 4 of this chapter, or both, the

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1 department shall remove the school corporation's certification as  
2 a district.

3 (d) A school corporation that has lost certification as a district  
4 under subsection (c) may be recertified as a district when the  
5 school corporation meets the criteria set forth in section 2(a) of this  
6 chapter.

7 **Chapter 3. Certificated Staff Evaluations and Funding**

8 **Sec. 1.** The department shall give approval to any system of  
9 rubric-based certificated staff evaluations designed and  
10 implemented by a district.

11 **Sec. 2.** A school corporation may not receive a decrease in state  
12 funding based upon the school corporation's status as a district, or  
13 because of the implementation of a waiver of a statute or rule that  
14 is allowed to be waived by a district.

15 **Chapter 4. District Powers and Exemptions**

16 **Sec. 1. (a)** A district is accountable for ensuring continued  
17 compliance with:

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

20 (b) A district is subject to all federal and state laws and  
21 constitutional provisions that prohibit discrimination on the basis  
22 of the following:

- 23 (1) Disability.
- 24 (2) Race.
- 25 (3) Color.
- 26 (4) Gender.
- 27 (5) National origin.
- 28 (6) Religion.
- 29 (7) Ancestry.

30 **Sec. 2.** During each school year, a district shall provide at least:

- 31 (1) fifty-four thousand (54,000) minutes of instruction and  
32 learning for grades 1 through 6; and
- 33 (2) sixty-four thousand eight hundred (64,800) minutes of  
34 instruction and learning for grades 7 through 12.

35 However, the district is not required to provide at least one  
36 hundred eighty (180) student instructional days.

37 **Sec. 3.** Except as specifically provided in this article and the  
38 statutes listed in section 4 of this chapter, the following do not  
39 apply to a district:

- 40 (1) An Indiana statute applicable to a governing body or a  
41 school corporation.
- 42 (2) A rule or guideline adopted by the state board.

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- 1           **(3) A rule or guideline adopted by the state board concerning**  
 2           **teachers, except for those rules that assist a teacher in gaining**  
 3           **or renewing a standard or advanced license.**
- 4           **Sec. 4. The following statutes and rules and guidelines adopted**  
 5           **under the following statutes apply to a district:**
- 6           **(1) IC 5-11-1-9 (required audits by the state board of**  
 7           **accounts).**
- 8           **(2) IC 20-26 (school corporation general administrative**  
 9           **provisions).**
- 10           **(3) IC 20-27 (school transportation).**
- 11           **(4) IC 20-28-6 (teacher contracts).**
- 12           **(5) IC 20-28-7.5 (cancellation of teacher contracts).**
- 13           **(6) IC 20-28-8 (contracts with school administrators).**
- 14           **(7) IC 20-28-9 (teacher salary and related payments).**
- 15           **(8) IC 20-28-10 (conditions of employment).**
- 16           **(9) IC 20-29 (collective bargaining for teachers).**
- 17           **(10) IC 20-30-3-2 and IC 20-30-3-4 (patriotic commemorative**  
 18           **observances).**
- 19           **(11) IC 20-30-5-19 (personal financial responsibility**  
 20           **instruction).**
- 21           **(12) IC 20-31 (accountability for school performance and**  
 22           **improvement).**
- 23           **(13) IC 20-32-4, IC 20-32-5, and IC 20-32-8, or any other**  
 24           **statute, rule, or guideline related to standardized assessments**  
 25           **(accreditation, assessment, and remediation).**
- 26           **(14) IC 20-33 (students: general provisions).**
- 27           **(15) IC 20-34-3 (health and safety measures).**
- 28           **(16) IC 20-35 (special education).**
- 29           **(17) IC 20-39 (accounting procedures).**
- 30           **(18) IC 20-40 (government funds and accounts).**
- 31           **(19) IC 20-41 (extracurricular funds and accounts).**
- 32           **(20) IC 20-42.5 (allocation of expenditures to student**  
 33           **instruction).**
- 34           **(21) IC 20-43 (state tuition support).**
- 35           **(22) IC 20-44 (property tax levies).**
- 36           **(23) IC 20-45 (general fund levies).**
- 37           **(24) IC 20-46 (levies other than general fund levies).**
- 38           **(25) IC 20-47 (related entities; holding companies; lease**  
 39           **agreements).**
- 40           **(26) IC 20-48 (borrowing and bonds).**
- 41           **(27) IC 20-49 (state management of common school funds;**  
 42           **state advances and loans).**

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1           **(28) IC 20-50 (homeless children and foster care children).**  
2           **Sec. 5. A district may display the words "Indiana**  
3           **Performance-Qualified School District" on the district's**  
4           **correspondence, Internet web site, and any other communications**  
5           **representing the district.**

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