Reprinted
January 23, 2013

# SENATE BILL No. 189

DIGEST OF SB 189 (Updated January 22, 2013 2:26 pm - DI 71)

**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 certain education statutes, rules, and guidelines applicable to school boards or school corporations. Sets forth the performance criteria that must be met and the statutes, rules, and guidelines with which a performance-qualified school district must continue to comply.

**Effective:** July 1, 2013.

**Delph, Kruse, Hershman,** Schneider

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.

C o p y

Reprinted
January 23, 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.

C o p y

# 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:*

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. "Data baseline" means the data elements established by the department set forth in IC 20-24.2-2-3.**

**Sec. 3. "District" refers to a performance-qualified school district.**

**Chapter 2. 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 achievement greater than the achievement required for the school corporations 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 district, a school corporation must meet the following initial criteria:**

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

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

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

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

**Sec. 3. The department shall establish the data elements that comprise the data baseline. The data elements must demonstrate 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 by achieving the following:**

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

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

**(B) must graduate with an academic honors diploma; or**

**(C) must graduate with a technical honors diploma.**

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

**(3) Other data elements the department determines are appropriate.**

**Sec. 4. A district shall meet or exceed the following benchmarks for the district and for each school in the district at the time the department conducts the status review under section 6(a) of this chapter:**

**(1) For the district as a whole, there must be participation in performance-based measures determined jointly by the department and the district.**

C o p y

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

**(A) Algebra I;**

**(B) English 10; or**

**(C) both Algebra I and English 10.**

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

**(A) English;**

**(B) mathematics; or**

**(C) both English and mathematics.**

**(4) For an elementary school:**

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

**(i) English;**

**(ii) mathematics; or**

**(iii) both English and mathematics; and**

**(B) at least eighty-five percent (85%) of the students in grade 3 must pass the required reading assessment.**

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

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

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

**(c) If the district fails to meet the criteria set forth in section 2(a) of this chapter, the benchmarks set forth in section 4 of this chapter, or both, the school corporation shall receive a temporary certification as a district for the fourth year of the certification period. If, at the end of the fourth year, the school corporation fails to meet the criteria set forth in section 2(a) of this chapter or the benchmarks set forth in section 4 of this chapter, or both, the department shall remove the school corporation's certification as a district.**

C o p y

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

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

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

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

**Chapter 4. District Powers and Exemptions**

**Sec. 1. (a) A district is accountable for ensuring 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 district is subject to all federal and state laws and constitutional provisions that prohibit discrimination.**

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

**(1) fifty-four thousand (54,000) minutes of instruction and learning for grades 1 through 6; and**

**(2) sixty-four thousand eight hundred (64,800) minutes of instruction and learning for grades 7 through 12.**

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

**Sec. 3. 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 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).**

**(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**

C o p y

**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).**

**Sec. 4. The following provisions of this title and rules and guidelines adopted under the following provisions of this title apply to a district:**

**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 20-28-5-8 (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 20-29 (collective bargaining for teachers).**

**IC 20-30-3-2 and IC 20-30-3-4 (patriotic commemorative observances).**

**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, or any other statute, rule, or guideline related to standardized assessments (accreditation, assessment, and remediation).**

**IC 20-33 (students: general provisions).**

**IC 20-34-3 (health and safety measures).**

**IC 20-35 (special education).**

**IC 20-39 (accounting procedures).**

**IC 20-40 (government funds and accounts).**

C o p y

**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 district may display the words "Indiana Performance-Qualified School District" on the district's correspondence, Internet web site, and any other communications representing the district.**

Copy

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)**".



C o p y

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.

---

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).**

Copy

**(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)".

C o p y

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

---

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.)

DELPH

---

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:

"**(B) must graduate with an academic honors diploma; or**".

Copy

Page 2, line 30, delete "(B)" and insert "**(C)**".

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

MILLER PETE

C o p y