



February 17, 2015

HOUSE BILL No. 1072

DIGEST OF HB 1072 (Updated February 17, 2015 10:36 am - DI 116)

Citations Affected: IC 20-19; IC 20-28; IC 20-31; IC 20-32.

Synopsis: Various education matters. Provides that the department of education (department) shall provide any data to the state board of education (state board) that the state board determines is necessary to perform the state board's duties under law. Makes changes to the provision requiring school corporations to establish plans for evaluations of certificated employees. Provides that a school corporation may adopt the department's model plan or any other model plan approved by the department and the state board. Requires the education roundtable to make recommendations to the state board regarding the passing scores required at the various grade levels tested under the ISTEP program. Provides that the state board may place a school in a category or designation of school performance only if: (1) the department has provided each school the opportunity to review, add to, or supplement the data, and to correct any errors in the data; and (2) the state board's authorized representatives have had an opportunity to review and analyze the school and corporation level data. Provides that the state board may obtain assistance from the legislative services agency with the approval of the legislative council or another entity to ensure the validity and reliability of the performance category or designation placements calculated by the department. Makes various changes to provisions relating to the assessment of school performance. Makes various changes to the administration of the ISTEP program.

Effective: July 1, 2015.

Thompson

January 6, 2015, read first time and referred to Committee on Education.
February 17, 2015, amended, reported — Do Pass.

HB 1072—LS 6778/DI 71



February 17, 2015

First Regular Session of the 119th General Assembly (2015)

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

HOUSE BILL No. 1072

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 20-19-3-4, AS ADDED BY P.L.242-2005,
2 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2015]: Sec. 4. (a) The department shall:
4 (1) perform the duties required by statute;
5 (2) implement the policies and procedures established by the state
6 board;
7 (3) conduct analytical research to assist the state board in
8 determining the state's educational policy;
9 (4) compile statistics concerning the ethnicity, gender, and
10 disability status of students in Indiana schools, including statistics
11 for all information that the department receives from school
12 corporations on enrollment, number of suspensions, and number
13 of expulsions; and
14 (5) provide technical assistance to school corporations.
15 (b) In compiling statistics by gender, ethnicity, and disability status

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1 under subsection (a)(4), the department shall also categorize
2 suspensions and expulsions by cause as follows:

- 3 (1) Alcohol.
- 4 (2) Drugs.
- 5 (3) Deadly weapons (other than firearms).
- 6 (4) Handguns.
- 7 (5) Rifles or shotguns.
- 8 (6) Other firearms.
- 9 (7) Tobacco.
- 10 (8) Attendance.
- 11 (9) Destruction of property.
- 12 (10) Legal settlement (under IC 20-33-8-17).
- 13 (11) Fighting (incident does not rise to the level of battery).
- 14 (12) Battery (IC 35-42-2-1).
- 15 (13) Intimidation (IC 35-45-2-1).
- 16 (14) Verbal aggression or profanity.
- 17 (15) Defiance.
- 18 (16) Other.

19 **(c) The department shall provide any data to the state board**
20 **that the state board determines is necessary to perform the state**
21 **board's duties under law.**

22 ~~(c)~~ **(d)** The department shall develop guidelines necessary to
23 implement this section.

24 SECTION 2. IC 20-19-4-10, AS AMENDED BY P.L.286-2013,
25 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 JULY 1, 2015]: Sec. 10. The roundtable shall review and recommend
27 to the state board for the state board's approval the following:

- 28 (1) The academic standards under IC 20-31-3, IC 20-32-4, and
29 IC 20-32-5 for all grade levels from kindergarten through grade
30 12.
- 31 (2) The content and format of the ISTEP program, including the
32 following:
 - 33 (A) The graduation examination.
 - 34 (B) The passing scores required at the various grade levels
35 tested under the ISTEP program.
- 36 **(3) The passing scores required at the various grade levels**
37 **tested under the ISTEP program must:**
 - 38 **(A) be determined by statistically valid and reliable**
39 **methods as determined by independent experts selected by**
40 **the state board; and**
 - 41 **(B) meet rigorous college and career readiness criteria**
42 **recommended by the department of workforce**



1 **development, the commission for higher education, and the**
 2 **department, as approved by the state board.**

3 SECTION 3. IC 20-28-11.5-4, AS ADDED BY P.L.90-2011,
 4 SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2015]: Sec. 4. (a) Each school corporation shall develop a
 6 plan for annual performance evaluations for each certificated employee
 7 (as defined in IC 20-29-2-4). A school corporation shall implement the
 8 plan beginning with the 2012-2013 school year.

9 (b) Instead of developing its own staff performance evaluation plan
 10 under subsection (a), a school corporation may adopt a staff
 11 performance evaluation plan that meets the requirements set forth in
 12 this chapter or any of the following models:

13 (1) A plan using master teachers or contracting with an outside
 14 vendor to provide master teachers.

15 **(2) The model staff performance evaluation system approved**
 16 **by the state board under section 8 of this chapter.**

17 ~~(3)~~ (3) The System for Teacher and Student Advancement (TAP).

18 ~~(4)~~ (4) The Peer Assistance and Review Teacher Evaluation
 19 System (PAR).

20 (c) A plan must include the following components:

21 (1) Performance evaluations for all certificated employees,
 22 conducted at least annually.

23 (2) Objective measures of student achievement and growth to
 24 significantly inform the evaluation **in a manner prescribed by**
 25 **the state board by rules established under IC 4-22-2 that sets**
 26 **a minimum and maximum threshold for the use of objective**
 27 **measures of student achievement and growth in all staff**
 28 **performance evaluation plans.** The objective measures must
 29 include:

30 (A) student assessment results from statewide assessments for
 31 certificated employees whose responsibilities include
 32 instruction in subjects measured in statewide assessments;

33 (B) methods for assessing student growth for certificated
 34 employees who do not teach in areas measured by statewide
 35 assessments; and

36 (C) student assessment results from locally developed
 37 assessments and other test measures for certificated employees
 38 whose responsibilities may or may not include instruction in
 39 subjects and areas measured by statewide assessments.

40 (3) Rigorous measures of effectiveness, including observations
 41 and other performance indicators.

42 (4) An annual designation of each certificated employee in one



- 1 (1) of the following rating categories:
 2 (A) Highly effective.
 3 (B) Effective.
 4 (C) Improvement necessary.
 5 (D) Ineffective.
 6 (5) An explanation of the evaluator's recommendations for
 7 improvement, and the time in which improvement is expected.
 8 (6) A provision that a teacher who negatively affects student
 9 achievement and growth cannot receive a rating of highly
 10 effective or effective.
 11 (d) The evaluator shall discuss the evaluation with the certificated
 12 employee.
- 13 SECTION 4. IC 20-28-11.5-8, AS AMENDED BY P.L.160-2012,
 14 SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2015]: Sec. 8. (a) To implement this chapter, the state board
 16 shall do the following:
- 17 (1) ~~Before January 31, 2012~~, Adopt rules under IC 4-22-2 that
 18 establish:
 19 (A) the criteria that define each of the four categories of
 20 teacher ratings under section 4(c)(4) of this chapter;
 21 (B) the measures to be used to determine student academic
 22 achievement and growth under section 4(c)(2) of this chapter;
 23 (C) standards that define actions that constitute a negative
 24 impact on student achievement; and
 25 (D) an acceptable standard for training evaluators.
 26 (2) Before January 31, 2012, work with the department to develop
 27 a model plan and release it to school corporations. Subsequent
 28 versions of the model plan that contain substantive changes must
 29 be **approved in advance by the state board and provided by the**
 30 **department** to school corporations.
 31 (3) Work with the department to ensure the availability of
 32 ongoing training on the use of the performance evaluation to
 33 ensure that all evaluators and certificated employees have access
 34 to information on the plan, the plan's implementation, and this
 35 chapter.
 36 (4) **Work with the department to ensure that all locally**
 37 **developed staff performance evaluation plans are monitored**
 38 **at least annually to ensure compliance with the criteria**
 39 **established under this chapter. Onsite monitoring must occur**
 40 **at least once every four (4) years.**
 41 (b) A school corporation may adopt the department's model plan or
 42 any other model plan approved by the department **and state board.**



1 without the state board's approval:

2 (c) A school corporation may substantially modify the model plan
 3 or develop the school corporation's own plan, if the substantially
 4 modified or developed plan meets the criteria established under this
 5 chapter. If a school corporation substantially modifies the model plan
 6 or develops its own plan, the department ~~may~~ **shall** request that the
 7 school corporation submit the plan to the department to ensure the plan
 8 meets the criteria developed under this chapter. ~~If the department~~
 9 ~~makes such a request,~~ Before submitting a substantially modified or
 10 new staff performance evaluation plan to the department, the governing
 11 body shall submit the staff performance evaluation plan to the teachers
 12 employed by the school corporation for a vote. If at least seventy-five
 13 percent (75%) of the voting teachers vote in favor of adopting the staff
 14 performance evaluation plan, the governing body may submit the staff
 15 performance evaluation plan to the department.

16 (d) Each school corporation shall submit its staff performance
 17 evaluation plan to the department. The department shall publish the
 18 staff performance evaluation plans on the department's Internet web
 19 site. A school corporation must submit its staff performance evaluation
 20 plan to the department for approval in order to qualify for any grant
 21 funding related to this chapter.

22 SECTION 5. IC 20-31-8-3, AS AMENDED BY P.L.286-2013,
 23 SECTION 103, IS AMENDED TO READ AS FOLLOWS
 24 [EFFECTIVE JULY 1, 2015]: Sec. 3. The state board shall establish a
 25 number of categories, using an "A" through "F" grading scale, to
 26 designate performance based on ~~the individual~~ student academic
 27 performance and growth to proficiency in each school.

28 SECTION 6. IC 20-31-8-4, AS AMENDED BY P.L.286-2013,
 29 SECTION 104, IS AMENDED TO READ AS FOLLOWS
 30 [EFFECTIVE JULY 1, 2015]: Sec. 4. **(a)** The state board shall place
 31 each school in a category or designation of school performance **once**
 32 **annually** based on the department's findings from the assessment of
 33 performance and academic growth under section 2 of this chapter.

34 **(b) The state board may place a school in a category or**
 35 **designation of school performance only if:**

36 **(1) the department has provided each school the opportunity**
 37 **to review, add to, or supplement the data, and to correct any**
 38 **errors in the data; and**

39 **(2) the state board's authorized representatives have had an**
 40 **opportunity to review and analyze the school and corporation**
 41 **level data.**

42 **(c) The state board may obtain assistance from another entity**



1 or, with the approval of the legislative council, the legislative
 2 services agency, to ensure the validity and reliability of the
 3 performance category or designation placements calculated by the
 4 department under section 2 of this chapter. The department shall
 5 provide all the data necessary to complete those calculations to the
 6 legislative services agency, or to an entity designated by the state
 7 board.

8 SECTION 7. IC 20-31-8-5.4, AS ADDED BY P.L.2-2014,
 9 SECTION 88, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2015]: Sec. 5.4. (a) ~~Not later than November 15, 2013, the~~
 11 ~~state board shall establish new categories or designations of school~~
 12 ~~performance under the requirements of this chapter to replace 511~~
 13 ~~IAC 6.2-6. The new standards of assessing school performance~~

14 ~~(1) must be based on a statistically valid and reliable~~
 15 ~~measurement of individual student academic performance and~~
 16 ~~growth to proficiency. and~~

17 ~~(2) may not be based on a measurement of student performance~~
 18 ~~or growth compared with peers.~~

19 511 IAC 6.2-6 is void on the effective date of the emergency or final
 20 rules adopted under this section.

21 (b) After July 1, 2013, the state board:

22 (1) shall adopt rules under IC 4-22-2; and

23 (2) may adopt emergency rules in the manner provided in
 24 IC 4-22-2-37.1;

25 to implement this chapter.

26 (c) An emergency rule adopted under subsection (b) expires on the
 27 earlier of:

28 (1) ~~November 15, 2014; December 15, 2017;~~ or

29 (2) the effective date of a rule that establishes categories or
 30 designations of school improvement described in this section and
 31 supersedes the emergency rule.

32 (d) Before beginning the rulemaking process to establish new
 33 categories or designations of school improvement, the state board shall
 34 report to the general assembly the proposed new categories or
 35 designations in an electronic format under IC 5-14-6.

36 SECTION 8. IC 20-32-5-4, AS ADDED BY P.L.1-2005, SECTION
 37 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 38 2015]: Sec. 4. (a) The state board shall:

39 (1) authorize the development and implementation of the ISTEP
 40 program, **including:**

41 **(A) establishment of criteria for requests for proposals;**

42 **(B) establishment of criteria for membership of evaluation**



- 1 **teams; and**
2 **(C) establishment of criteria for content and format of the**
3 **ISTEP program, including the graduation examination;**
4 **(2) authorize the development and establishment of passing**
5 **scores; and**
6 ~~(2)~~ **(3) determine the date on which the statewide testing is**
7 **administered in each school corporation.**
8 (b) The state superintendent is responsible for the overall
9 development, implementation, and monitoring of the ISTEP program.
10 (c) The department shall prepare detailed design specifications for
11 the ISTEP program that must do the following:
12 (1) Take into account the academic standards adopted under
13 IC 20-31-3.
14 (2) Include testing of students' higher level cognitive thinking in
15 each subject area tested.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1072, 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:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill do pass.

(Reference is to HB 1072 as introduced.)

BEHNING

Committee Vote: yeas 9, nays 4.

