



PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 200 be amended to read as follows:

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning
- 3 education.
- 4 Page 1, between the enacting clause and line 1, begin a new
- 5 paragraph and insert:
- 6 "SECTION 1. IC 20-18-2-2.3 IS ADDED TO THE INDIANA
- 7 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 8 [EFFECTIVE UPON PASSAGE]: **Sec. 2.3. "BEST program" refers**
- 9 **to the benchmarking excellence student testing program developed**
- 10 **and administered under IC 20-32-5.1.**
- 11 SECTION 2. IC 20-18-2-6, AS ADDED BY P.L.1-2005, SECTION
- 12 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
- 13 2016]: Sec. 6. "Graduation examination" means:
- 14 **(1) for school years ending before July 1, 2017, the test**
- 15 **designated by the board under the ISTEP program; and**
- 16 **(2) for school years beginning after June 30, 2017, the test**
- 17 **designed or purchased by the state board under the BEST**
- 18 **program.**
- 19 SECTION 3. IC 20-19-2-8, AS AMENDED BY P.L.286-2013,
- 20 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 21 JULY 1, 2016]: Sec. 8. (a) In addition to any other powers and duties

prescribed by law, the state board shall adopt rules under IC 4-22-2 concerning, but not limited to, the following matters:

(1) The designation and employment of the employees and consultants necessary for the department. The state board shall fix the compensation of employees of the department, subject to the approval of the budget committee and the governor under IC 4-12-2.

(2) The establishment and maintenance of standards and guidelines for media centers, libraries, instructional materials centers, or any other area or system of areas in a school where a full range of information sources, associated equipment, and services from professional media staff are accessible to the school community. With regard to library automation systems, the state board may only adopt rules that meet the standards established by the state library board for library automation systems under IC 4-23-7.1-11(b).

(3) The establishment and maintenance of standards for student personnel and guidance services.

(4) The inspection of all public schools in Indiana to determine the condition of the schools. The state board shall establish standards governing the accreditation of public schools. Observance of:

(A) IC 20-31-4;

(B) IC 20-28-5-2;

(C) IC 20-28-6-3 through IC 20-28-6-7;

(D) IC 20-28-11.5; and

(E) IC 20-31-3, IC 20-32-4, **for school years ending before July 1, 2017**, IC 20-32-5, **for school years beginning after June 30, 2017**, **IC 20-32-5.1**, and IC 20-32-8;

is a prerequisite to the accreditation of a school. Local public school officials shall make the reports required of them and otherwise cooperate with the state board regarding required inspections. Nonpublic schools may also request the inspection for classification purposes. Compliance with the building and site guidelines adopted by the state board is not a prerequisite of accreditation.

(5) The distribution of funds and revenues appropriated for the support of schools in the state.

(6) The state board may not establish an accreditation system for nonpublic schools that is less stringent than the accreditation system for public schools.

(7) A separate system for recognizing nonpublic schools under IC 20-19-2-10. Recognition of nonpublic schools under this subdivision constitutes the system of regulatory standards that apply to nonpublic schools that seek to qualify for the system of recognition.

(8) The establishment and enforcement of standards and guidelines concerning the safety of students participating in cheerleading activities.

(9) Subject to IC 20-28-2, the preparation and licensing of teachers.

(b) Before final adoption of any rule, the state board shall make a finding on the estimated fiscal impact that the rule will have on school corporations.

SECTION 4. IC 20-19-2-14, AS AMENDED BY P.L.286-2013, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 14. The state board shall do the following:

(1) Establish the educational goals of the state, developing standards and objectives for local school corporations.

(2) Assess the attainment of the established goals.

(3) Assure compliance with established standards and objectives.

(4) Coordinate with the commission for higher education (IC 21-18-1) and the department of workforce development (IC 22-4.1-2) to develop entrepreneurship education programs for elementary and secondary education, higher education, and individuals in the work force.

(5) Make recommendations to the governor and general assembly concerning the educational needs of the state, including financial needs.

(6) **For school years ending before July 1, 2017, provide for reviews to ensure the validity and reliability of the ISTEP program and, for school years beginning after June 30, 2017, provide for reviews to ensure the validity and reliability of the BEST program.**

SECTION 5. IC 20-20-8-6, AS AMENDED BY P.L.2-2007, SECTION 203, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. A report must contain the following:

(1) The information listed in section 8 of this chapter for each of the preceding three (3) years.

(2) Additional components determined under section 7(4) of this chapter.

(3) Additional information or explanation that the governing body wishes to include, including the following:

(A) Results of nationally recognized assessments of students under programs other than the ISTEP program **or the BEST program** that a school corporation, including a charter school, uses to determine if students are meeting or exceeding academic standards in grades that are tested under the ISTEP program **or the BEST program**.

(B) Results of assessments of students under programs other than the ISTEP program **or the BEST program** that a school

corporation uses to determine if students are meeting or exceeding academic standards in grades that are not tested under the ISTEP program **or the BEST program.**

(C) The number and types of staff professional development programs.

(D) The number and types of partnerships with the community, business, or postsecondary education.

(E) Levels of parental participation.

SECTION 6. IC 20-20-8-8, AS AMENDED BY P.L.213-2015, SECTION 159, AND AS AMENDED BY P.L.220-2015, SECTION 2, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. (a) The report must include the following information:

(1) Student enrollment.

(2) Graduation rate (as defined in IC 20-26-13-6) *and the graduation rate excluding students ~~that~~ who receive a graduation waiver under IC 20-32-4-4.*

(3) Attendance rate.

(4) The following test scores, including the number and percentage of students meeting academic standards:

(A) ~~ISTEP program test scores.~~ *All state standardized assessment scores.*

(B) Scores for assessments under IC 20-32-5-21 **for school years ending before July 1, 2017, and scores for assessments under IC 20-32-5.1 for school years beginning after June 30, 2017**, if appropriate.

(C) For a freeway school, scores on a locally adopted assessment program, if appropriate.

(5) Average class size.

(6) *The school's performance category or designation of school improvement assigned under IC 20-31-8.*

~~(7)~~ (7) The number and percentage of students in the following groups or programs:

(A) Alternative education, if offered.

(B) Career and technical education.

(C) Special education.

(D) High ability.

(E) Remediation.

(F) Limited English language proficiency.

(G) Students receiving free or reduced price lunch under the national school lunch program.

(H) School flex program, if offered.

~~(7)~~ (8) Advanced placement, including the following:

(A) For advanced placement tests, the percentage of students:

(i) scoring three (3), four (4), and five (5); and

(ii) taking the test.

- 1 (B) For the Scholastic Aptitude Test:
- 2 (i) test scores for all students taking the test;
- 3 (ii) test scores for students completing the academic honors
- 4 diploma program; and
- 5 (iii) the percentage of students taking the test.
- 6 ~~(8)~~ (9) Course completion, including the number and percentage
- 7 of students completing the following programs:
- 8 (A) Academic honors diploma.
- 9 (B) Core 40 curriculum.
- 10 (C) Career and technical programs.
- 11 ~~(9)~~ (10) The percentage of grade 8 students enrolled in algebra I.
- 12 ~~(10) The percentage of graduates who pursue higher education.~~
- 13 (11) The percentage of graduates considered college and career
- 14 ready in a manner prescribed by the state board.
- 15 ~~(11)~~ (12) School safety, including:
- 16 (A) the number of students receiving suspension or expulsion
- 17 for the possession of alcohol, drugs, or weapons;
- 18 (B) the number of incidents reported under IC 20-33-9; and
- 19 (C) the number of bullying incidents reported under
- 20 IC 20-34-6 by category.
- 21 ~~(12)~~ (13) Financial information and various school cost factors,
- 22 including the following:
- 23 (A) Expenditures per pupil.
- 24 (B) Average teacher salary.
- 25 (C) Remediation funding.
- 26 ~~(13) Technology accessibility and use of technology in~~
- 27 ~~instruction.~~
- 28 (14) Interdistrict and intradistrict student mobility rates, if that
- 29 information is available.
- 30 (15) The number and percentage of each of the following within
- 31 the school corporation:
- 32 (A) Teachers who are certificated employees (as defined in
- 33 IC 20-29-2-4).
- 34 (B) Teachers who teach the subject area for which the teacher
- 35 is certified and holds a license.
- 36 (C) Teachers with national board certification.
- 37 (16) The percentage of grade 3 students reading at grade 3 level.
- 38 (17) The number of students expelled, including the number
- 39 participating in other recognized education programs during their
- 40 expulsion, *including the percentage of students expelled by race,*
- 41 *grade, gender, free or reduced price lunch status, and eligibility*
- 42 *for special education.*
- 43 (18) Chronic absenteeism, which includes the number of students
- 44 who have been absent from school for ten percent (10%) or more
- 45 of a school year for any reason.
- 46 (19) Habitual truancy, which includes the number of students who

have been absent ten (10) days or more from school within a school year without being excused or without being absent under a parental request that has been filed with the school.

(20) The number of students who have dropped out of school, including the reasons for dropping out, *including the percentage of students who have dropped out by race, grade, gender, free or reduced **price** lunch status, and eligibility for special education.*

(21) *The number of out of school suspensions assigned, including the percentage of students suspended by race, grade, gender, free or reduced **price** lunch status, and eligibility for special education.*

(22) *The number of in school suspensions assigned, including the percentage of students suspended by race, grade, gender, free or reduced **price** lunch status, and eligibility for special education.*

~~(21)~~ (23) The number of student work permits revoked.

~~(22)~~ *The number of student driver's licenses revoked.*

~~(23)~~ *The number of students who have not advanced to grade 10 due to a lack of completed credits.*

~~(24)~~ *The number of students suspended for any reason.*

~~(25)~~ (24) The number of students receiving an international baccalaureate diploma.

~~(26)~~ (25) *Other indicators of performance as recommended by the education roundtable under IC 20-19-4.*

(b) *This subsection applies to schools, including charter schools, located in a county having a consolidated city, including schools located in excluded cities (as defined in IC 36-3-1-7). The information reported under subsection (a) must be disaggregated by race, grade, gender, free or reduced **price** lunch status, and eligibility for special education.*

SECTION 7. IC 20-24-4-1, AS AMENDED BY P.L.5-2015, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) A charter must meet the following requirements:

(1) Be a written instrument.

(2) Be executed by an authorizer and an organizer.

(3) Confer certain rights, franchises, privileges, and obligations on a charter school.

(4) Confirm the status of a charter school as a public school.

(5) Be granted for:

(A) not less than three (3) years or more than seven (7) years; and

(B) a fixed number of years agreed to by the authorizer and the organizer.

(6) Provide for the following:

(A) A review by the authorizer of the charter school's performance, including the progress of the charter school in

- 1 achieving the academic goals set forth in the charter, at least
 2 one (1) time in each five (5) year period while the charter is in
 3 effect.
 4 (B) Renewal, if the authorizer and the organizer agree to renew
 5 the charter.
 6 (C) The renewal application must include guidance from the
 7 authorizer, and the guidance must include the performance
 8 criteria that will guide the authorizer's renewal decisions.
 9 (D) The renewal application process must, at a minimum,
 10 provide an opportunity for the charter school to:
 11 (i) present additional evidence, beyond the data contained in
 12 the performance report, supporting its case for charter
 13 renewal;
 14 (ii) describe improvements undertaken or planned for the
 15 charter school; and
 16 (iii) detail the charter school's plans for the next charter
 17 term.
 18 (E) Not later than October 1 in the year in which the charter
 19 school seeks renewal of a charter, the governing board of a
 20 charter school seeking renewal shall submit a renewal
 21 application to the charter authorizer under the renewal
 22 application guidance issued by the authorizer. The authorizer
 23 shall make a final ruling on the renewal application not later
 24 than March 1 after the filing of the renewal application. The
 25 March 1 deadline does not apply to any review or appeal of a
 26 final ruling. After the final ruling is issued, the charter school
 27 may obtain further review by the authorizer of the authorizer's
 28 final ruling in accordance with the terms of the charter school's
 29 charter and the protocols of the authorizer.
 30 (7) Specify the grounds for the authorizer to:
 31 (A) revoke the charter before the end of the term for which the
 32 charter is granted; or
 33 (B) not renew a charter.
 34 (8) Set forth the methods by which the charter school will be held
 35 accountable for achieving the educational mission and goals of
 36 the charter school, including the following:
 37 (A) Evidence of improvement in:
 38 (i) assessment measures, including the ISTEP (**for school**
 39 **years ending before July 1, 2017), the BEST (for school**
 40 **years beginning after June 30, 2017), and end of course**
 41 **assessments;**
 42 (ii) attendance rates;
 43 (iii) graduation rates (if appropriate);
 44 (iv) increased numbers of Core 40 diplomas and other
 45 college and career ready indicators including advanced
 46 placement participation and passage, dual credit

- 1 participation and passage, and International Baccalaureate
- 2 participation and passage (if appropriate);
- 3 (v) increased numbers of academic honors and technical
- 4 honors diplomas (if appropriate);
- 5 (vi) student academic growth;
- 6 (vii) financial performance and stability; and
- 7 (viii) governing board performance and stewardship,
- 8 including compliance with applicable laws, rules and
- 9 regulations, and charter terms.
- 10 (B) Evidence of progress toward reaching the educational
- 11 goals set by the organizer.
- 12 (9) Describe the method to be used to monitor the charter
- 13 school's:
- 14 (A) compliance with applicable law; and
- 15 (B) performance in meeting targeted educational performance.
- 16 (10) Specify that the authorizer and the organizer may amend the
- 17 charter during the term of the charter by mutual consent and
- 18 describe the process for amending the charter.
- 19 (11) Describe specific operating requirements, including all the
- 20 matters set forth in the application for the charter.
- 21 (12) Specify a date when the charter school will:
- 22 (A) begin school operations; and
- 23 (B) have students attending the charter school.
- 24 (13) Specify that records of a charter school relating to the
- 25 school's operation and charter are subject to inspection and
- 26 copying to the same extent that records of a public school are
- 27 subject to inspection and copying under IC 5-14-3.
- 28 (14) Specify that records provided by the charter school to the
- 29 department or authorizer that relate to compliance by the
- 30 organizer with the terms of the charter or applicable state or
- 31 federal laws are subject to inspection and copying in accordance
- 32 with IC 5-14-3.
- 33 (15) Specify that the charter school is subject to the requirements
- 34 of IC 5-14-1.5.
- 35 (16) This subdivision applies to a charter established or renewed
- 36 for an adult high school after June 30, 2014. The charter must
- 37 require:
- 38 (A) that the school will offer flexible scheduling;
- 39 (B) that students will not complete the majority of instruction
- 40 of the school's curriculum online or through remote
- 41 instruction;
- 42 (C) that the school will offer dual credit or industry
- 43 certification course work that aligns with career pathways as
- 44 recommended by the Indiana career council established by
- 45 IC 22-4.5-9-3; and
- 46 (D) a plan:

(i) to support successful program completion and to assist transition of graduates to the workforce or to a postsecondary education upon receiving a diploma from the adult high school; and

(ii) to review individual student accomplishments and success after a student receives a diploma from the adult high school.

(b) A charter school shall set annual performance targets in conjunction with the charter school's authorizer. The annual performance targets shall be designed to help each school meet applicable federal, state, and authorizer expectations.

SECTION 8. IC 20-24-8-5, AS AMENDED BY P.L.221-2015, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. The following statutes and rules and guidelines adopted under the following statutes apply to a charter school:

- (1) IC 5-11-1-9 (required audits by the state board of accounts).
- (2) IC 20-39-1-1 (unified accounting system).
- (3) IC 20-35 (special education).
- (4) IC 20-26-5-10 (criminal history).
- (5) IC 20-26-5-6 (subject to laws requiring regulation by state agencies).
- (6) IC 20-28-10-12 (nondiscrimination for teacher marital status).
- (7) IC 20-28-10-14 (teacher freedom of association).
- (8) IC 20-28-10-17 (school counselor immunity).
- (9) For conversion charter schools only if the conversion charter school elects to collectively bargain under IC 20-24-6-3(b), IC 20-28-6, IC 20-28-7.5, IC 20-28-8, IC 20-28-9, and IC 20-28-10.
- (10) IC 20-33-2 (compulsory school attendance).
- (11) IC 20-33-3 (limitations on employment of children).
- (12) IC 20-33-8-19, IC 20-33-8-21, and IC 20-33-8-22 (student due process and judicial review).
- (13) IC 20-33-8-16 (firearms and deadly weapons).
- (14) IC 20-34-3 (health and safety measures).
- (15) IC 20-33-9 (reporting of student violations of law).
- (16) IC 20-30-3-2 and IC 20-30-3-4 (patriotic commemorative observances).
- (17) IC 20-31-3, IC 20-32-4, IC 20-32-5, **IC 20-32-5.1**, IC 20-32-8, and IC 20-32-8.5, as provided in IC 20-32-8.5-2(b) (academic standards, accreditation, assessment, and remediation).
- (18) IC 20-33-7 (parental access to education records).
- (19) IC 20-31 (accountability for school performance and improvement).
- (20) IC 20-30-5-19 (personal financial responsibility instruction).

SECTION 9. IC 20-24.2-4-3, AS AMENDED BY P.L.233-2015, SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2016]: 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), 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), **for school years ending before July 1, 2017**, IC 20-32-5 (Indiana statewide testing for educational progress), **for school years beginning after June 30, 2017, IC 20-32-5.1 (benchmarking excellence student testing program)**, 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.

SECTION 10. IC 20-24.2-4-4, AS AMENDED BY P.L.233-2015, SECTION 84, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: 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).

- 1 IC 20-23 (organization of school corporations).
- 2 IC 20-26 (school corporation general administrative provisions).
- 3 IC 20-27 (school transportation).
- 4 IC 20-28-3-4 (teacher continuing education).
- 5 IC 20-28-4-8 (hiring of transition to teaching participants;
- 6 restrictions).
- 7 IC 20-28-4-11 (transition to teaching participants; school
- 8 corporation or subject area; transition to teaching permit).
- 9 IC 20-28-5-8 (conviction of certain felonies; notice and hearing;
- 10 permanent revocation of license; data base of school employees
- 11 who have been reported).
- 12 IC 20-28-6 (teacher contracts).
- 13 IC 20-28-7.5 (cancellation of teacher contracts).
- 14 IC 20-28-8 (contracts with school administrators).
- 15 IC 20-28-9 (teacher salary and related payments).
- 16 IC 20-28-10 (conditions of employment).
- 17 IC 20-28-11.5 (staff performance evaluations).
- 18 IC 20-29 (collective bargaining for teachers).
- 19 IC 20-30-3-2 and IC 20-30-3-4 (patriotic commemorative
- 20 observances).
- 21 IC 20-30-5-13 (human sexuality instructional requirements).
- 22 IC 20-30-5-19 (personal financial responsibility instruction).
- 23 IC 20-31 (accountability for school performance and
- 24 improvement).
- 25 IC 20-32-4, **for school years ending before July 1, 2017,**
- 26 **IC 20-32-5, for school years beginning after June 30, 2017,**
- 27 **IC 20-32-5.1,** and IC 20-32-8 (accreditation, assessment, and
- 28 remediation), or any other statute, rule, or guideline related to
- 29 standardized assessments.
- 30 IC 20-33 (students: general provisions).
- 31 IC 20-34-3 (health and safety measures).
- 32 IC 20-35 (special education).
- 33 IC 20-39 (accounting and financial reporting procedures).
- 34 IC 20-40 (government funds and accounts).
- 35 IC 20-41 (extracurricular funds and accounts).
- 36 IC 20-42.5 (allocation of expenditures to student instruction).
- 37 IC 20-43 (state tuition support).
- 38 IC 20-44 (property tax levies).
- 39 IC 20-45 (general fund levies).
- 40 IC 20-46 (levies other than general fund levies).
- 41 IC 20-47 (related entities; holding companies; lease agreements).
- 42 IC 20-48 (borrowing and bonds).
- 43 IC 20-49 (state management of common school funds; state
- 44 advances and loans).
- 45 IC 20-50 (homeless children and foster care children).
- 46 SECTION 11. IC 20-26-11-32, AS AMENDED BY P.L.39-2014,

SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 32. (a) This section does not apply to a school corporation if the governing body has adopted a policy of not accepting the transfer of any student who does not have legal settlement within the school corporation.

(b) The governing body of a school corporation shall annually establish:

(1) except as provided in subsection (m), the number of transfer students the school corporation has the capacity to accept in each grade level; and

(2) the date by which requests to transfer into the school corporation must be received by the governing body.

(c) After establishing the date under subsection (b)(2), the governing body shall:

(1) publish the date on the school corporation's Internet web site; and

(2) report the date to the department.

(d) The department shall publish the dates received from school corporations under subsection (c)(2) on the department's Internet web site.

(e) A student to whom this section applies may not request to transfer under this section primarily for athletic reasons to a school corporation in which the student does not have legal settlement.

(f) If the number of requests to transfer into a school corporation received by the date established for the school corporation under subsection (b)(2) exceeds the capacity established for the school corporation under subsection (b)(1), each timely request must be given an equal chance to be accepted, with the exception that a student described in subsection (h) shall be given priority. The governing body must determine which students will be admitted as transfer students to each school building and each grade level within the school corporation by a random drawing in a public meeting.

(g) Except as provided in subsections (i), (j), (k), and (m), the governing body of a school corporation may not deny a request for a student to transfer into the school corporation based upon the student's academic record, scores on ISTEP tests **(for school years ending before July 1, 2017) or BEST tests (for school years beginning after June 30, 2017)**, disciplinary record, or disability, or upon any other factor not related to the school corporation's capacity.

(h) Except as provided in subsections (i), (j), and (k), the governing body of a school corporation may not deny a request for a student to transfer into the school corporation if the student requesting to transfer:

(1) is a member of a household in which any other member of the household is a student in the transferee school; or

(2) has a parent who is an employee of the school corporation.

(i) A governing body of a school corporation may limit the number

1 of new transfers to a school building or grade level in the school
2 corporation:

3 (1) to ensure that a student who attends a school within the school
4 corporation as a transfer student during a school year may
5 continue to attend the school in subsequent school years; and

6 (2) to allow a student described in subsection (h) to attend a
7 school within the school corporation.

8 (j) Notwithstanding subsections (g) and (h), a governing body of a
9 school corporation may deny a request for a student to transfer to the
10 school corporation, or establish terms or conditions for enrollment that
11 prevent a student from enrolling in a school, if the student has been
12 suspended (as defined in IC 20-33-8-7) or expelled (as defined in
13 IC 20-33-8-3) during the twelve (12) months preceding the student's
14 request to transfer under this section:

15 (1) for ten (10) or more school days;

16 (2) for a violation under IC 20-33-8-16;

17 (3) for causing physical injury to a student, a school employee, or
18 a visitor to the school; or

19 (4) for a violation of a school corporation's drug or alcohol rules.

20 For purposes of subdivision (1), student discipline received under
21 IC 20-33-8-25(b)(7) for a violation described in subdivisions (2)
22 through (4) shall be included in the calculation of the number of school
23 days that a student has been suspended.

24 (k) The governing body of a school corporation with a school
25 building that offers a special curriculum may require a student who
26 transfers to the school building to meet the same eligibility criteria
27 required of all students who attend the school building that offers the
28 special curriculum.

29 (l) The parent of a student for whom a request to transfer is made is
30 responsible for providing the school corporation to which the request
31 is made with records or information necessary for the school
32 corporation to determine whether the request to transfer may be denied
33 under subsection (j).

34 (m) Notwithstanding this section, the governing body of a school
35 corporation may authorize the school corporation to enter into an
36 agreement with an accredited nonpublic school or charter school to
37 allow students of the accredited nonpublic school or charter school to
38 transfer to a school within the school corporation.

39 (n) A school corporation that has adopted a policy to not accept
40 student transfers after June 30, 2013, is not prohibited from enrolling
41 a:

42 (1) transfer student who attended a school within the school
43 corporation during the 2012-2013 school year; or

44 (2) member of a household in which any other member of the
45 household was a transfer student who attended a school within the
46 school corporation during the 2012-2013 school year.

1 However, if a school corporation enrolls a student described in
 2 subdivision (1) or (2), the school corporation shall also allow a student
 3 or member of the same household of a student who attended an
 4 accredited nonpublic school within the attendance area of the school
 5 corporation during the 2012-2013 school year to enroll in a school
 6 within the school corporation.

7 SECTION 12. IC 20-26-13-5, AS AMENDED BY P.L.286-2013,
 8 SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2016]: Sec. 5. (a) As used in this chapter, "graduation" means
 10 the successful completion by a student of:

11 (1) a sufficient number of academic credits, or the equivalent of
 12 academic credits; and

13 (2) the graduation examination or waiver process required under

14 IC 20-32-3 through ~~IC 20-32-5~~; **IC 20-32-5.1**;

15 resulting in the awarding of a high school diploma or an academic
 16 honors diploma.

17 (b) The term does not include the granting of a general educational
 18 development diploma under IC 20-20-6 (before its repeal) or
 19 IC 22-4.1-18.

20 SECTION 13. IC 20-26-15-5, AS AMENDED BY P.L.286-2013,
 21 SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2016]: Sec. 5. Notwithstanding any other law, the operation
 23 of the following is suspended for a freeway school corporation or a
 24 freeway school if the governing body of the school corporation elects
 25 to have the specific statute or rule suspended in the contract:

26 (1) The following statutes and rules concerning curriculum and
 27 instructional time:

28 IC 20-30-2-7

29 IC 20-30-5-8

30 IC 20-30-5-9

31 IC 20-30-5-11

32 511 IAC 6-7-6

33 511 IAC 6.1-5-0.5

34 511 IAC 6.1-5-1

35 511 IAC 6.1-5-2.5

36 511 IAC 6.1-5-3.5

37 511 IAC 6.1-5-4.

38 (2) The following rule concerning pupil/teacher ratios:

39 511 IAC 6.1-4-1.

40 (3) The following statutes and rules concerning curricular
 41 materials:

42 IC 20-26-12-24

43 IC 20-26-12-26

44 IC 20-26-12-1

45 IC 20-26-12-2

46 511 IAC 6.1-5-5.

(4) 511 IAC 6-7, concerning graduation requirements.

(5) IC 20-31-4, concerning the performance based accreditation system.

(6) **For school years:**

(A) ending before July 1, 2017, IC 20-32-5, concerning the ISTEP program established under IC 20-32-5-15 if an alternative locally adopted assessment program is adopted under section 6(7) of this chapter; and

(B) beginning after June 30, 2017, IC 20-32-5.1, concerning the BEST program, if an alternative locally adopted assessment program is adopted under section 6(7) of this chapter.

SECTION 14. IC 20-26-15-6, AS AMENDED BY P.L.2-2006, SECTION 135, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. Except as provided in this chapter and notwithstanding any other law, a freeway school corporation or a freeway school may do the following during the contract period:

(1) Disregard the observance of any statute or rule that is listed in the contract.

(2) Lease school transportation equipment to others for nonschool use when the equipment is not in use for a school corporation purpose, if the lessee has not received a bid from a private entity to provide transportation equipment or services for the same purpose.

(3) Replace the budget and accounting system that is required by law with a budget or accounting system that is frequently used in the private business community. The state board of accounts may not go beyond the requirements imposed upon the state board of accounts by statute in reviewing the budget and accounting system used by a freeway school corporation or a freeway school.

(4) Establish a professional development and technology fund to be used for:

(A) professional development; or

(B) technology, including video distance learning.

However, any money deposited in the professional development and technology fund for technology purposes must be transferred to the school technology fund.

(5) Subject to subdivision (4), transfer funds obtained from sources other than state or local government taxation among any accounts of the school corporation, including a professional development and technology fund established under subdivision (4).

(6) Transfer funds obtained from property taxation and from state distributions among the general fund and the school transportation fund, subject to the following:

- 1 (A) The sum of the property tax rates for the general fund and
 2 the school transportation fund after a transfer occurs under this
 3 subdivision may not exceed the sum of the property tax rates
 4 for the general fund and the school transportation fund before
 5 a transfer occurs under this subdivision.
- 6 (B) This subdivision does not allow a school corporation to
 7 transfer to any other fund money from the:
 8 (i) capital projects fund; or
 9 (ii) debt service fund.
- 10 (7) Establish a locally adopted assessment program to replace the
 11 assessment of students **for school years ending before July 1,**
 12 **2017,** under the ISTEP program established under IC 20-32-5-15,
 13 **and for school years beginning after June 30, 2017, under the**
 14 **BEST program,** subject to the following:
- 15 (A) A locally adopted assessment program must be established
 16 by the governing body and approved by the department.
- 17 (B) A locally adopted assessment program may use a locally
 18 developed test or a nationally developed test.
- 19 (C) Results of assessments under a locally adopted assessment
 20 program are subject to the same reporting requirements **for**
 21 **school years ending before July 1, 2017,** as results under the
 22 ISTEP program **or for school years beginning after June 30,**
 23 **2017, as results under the BEST program.**
- 24 (D) Each student who completes a locally adopted assessment
 25 program and the student's parent have the same rights to
 26 inspection and rescoring:
 27 (i) **for school years ending before July 1, 2017,** as set forth
 28 in IC 20-32-5-9; **and**
 29 (ii) **for school years beginning after June 30, 2017, as set**
 30 **forth in IC 20-32-5.1-11.**
- 31 SECTION 15. IC 20-26-15-7, AS ADDED BY P.L.1-2005,
 32 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2016]: Sec. 7. The minimum educational benefits that a
 34 freeway school corporation or a freeway school must produce under
 35 this chapter are the following:
 36 (1) An average attendance rate that increases:
 37 (A) not less than two percent (2%) each school year until the
 38 average attendance rate is eighty-five percent (85%); and
 39 (B) one percent (1%) each school year until the average
 40 attendance rate is ninety percent (90%).
 41 (2) A successful completion rate of the assessment program by
 42 meeting essential standards **for school years ending before July**
 43 **1, 2017,** under the ISTEP program (IC 20-32-5), **and for school**
 44 **years beginning after June 30, 2017, under the BEST program**
 45 **(IC 20-32-5.1)** or a locally adopted assessment program
 46 established under section 6(7) of this chapter that increases:

- 1 (A) not less than two percent (2%) each school year until the
 2 successful completion rate is not less than eighty-five percent
 3 (85%); and
 4 (B) one percent (1%) each school year until the successful
 5 completion rate is not less than ninety percent (90%);
 6 of the students in the designated grade levels **for school years**
 7 **ending before July 1, 2017**, under the ISTEP assessment
 8 program (IC 20-32-5), **and for school years beginning after**
 9 **June 30, 2017, under the BEST program (IC 20-32-5.1)** or the
 10 locally adopted assessment program that are grades contained in
 11 the freeway school corporation or freeway school.
 12 (3) Beginning with the class of students who expect to graduate
 13 four (4) years after a freeway school corporation or a freeway
 14 school that is a high school obtains freeway status, a graduation
 15 rate as determined under 511 IAC 6.1-1-2(k) that increases:
 16 (A) not less than two percent (2%) each school year until the
 17 graduation rate is not less than eighty-five percent (85%); and
 18 (B) one percent (1%) each school year until the graduation rate
 19 is ninety percent (90%).
 20 After a freeway school corporation or a freeway school has achieved
 21 the minimum rates required under subdivisions (1) through (3), the
 22 freeway school corporation or freeway school must either maintain the
 23 minimum required rates or show continued improvement of those rates.
 24 SECTION 16. IC 20-28-8-5, AS ADDED BY P.L.1-2005,
 25 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2016]: Sec. 5. The evaluation of a principal's performance
 27 may not be based wholly **for school years ending before July 1, 2017**,
 28 on the ISTEP program test scores under IC 20-32-5, **and for school**
 29 **years beginning after June 30, 2017, on the BEST program test**
 30 **scores**, of the students enrolled at the principal's school. However, **for**
 31 **school years ending before July 1, 2017**, the ISTEP program test
 32 scores under IC 20-32-5, **and for school years beginning after June**
 33 **30, 2017, the BEST program test scores**, of the students enrolled at
 34 a principal's school may be considered as one (1) of the factors in the
 35 evaluation of the principal's overall performance at the school.
 36 SECTION 17. IC 20-28-11.5-7, AS ADDED BY P.L.90-2011,
 37 SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2016]: Sec. 7. (a) This section applies to any teacher
 39 instructing students in a content area and grade subject to
 40 IC 20-32-4-1(a)(1) (**graduation examination**) and:
 41 (1) **for school years ending before July 1, 2017**, IC 20-32-5-2;
 42 **and**
 43 (2) **for school years beginning after June 30, 2017,**
 44 **IC 20-32-5.1-4.**
 45 (b) A student may not be instructed for two (2) consecutive years by
 46 two (2) consecutive teachers, each of whom was rated as ineffective

under this chapter in the school year immediately before the school year in which the student is placed in the respective teacher's class.

(c) If a teacher did not instruct students in the school year immediately before the school year in which students are placed in the teacher's class, the teacher's rating under this chapter for the most recent year in which the teacher instructed students, instead of for the school year immediately before the school year in which students are placed in the teacher's class, shall be used in determining whether subsection (b) applies to the teacher.

(d) If it is not possible for a school corporation to comply with this section, the school corporation must notify the parents of each applicable student indicating the student will be placed in a classroom of a teacher who has been rated ineffective under this chapter. The parent must be notified before the start of the second consecutive school year.

SECTION 18. IC 20-30-2-2.2, AS AMENDED BY P.L.233-2015, SECTION 222, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2.2. (a) As used in this section, "eligible student" means a student in grade 11 or 12 who has:

(1) **for:**

(A) school years ending before July 1, 2017, failed the ISTEP+ graduation exam at least twice; and

(B) school years beginning after June 30, 2017, failed any combination of the ISTEP+ graduation exam and the BEST graduation exam at least twice;

(2) been determined to be chronically absent, by missing ten percent (10%) or more of a school year for any reason;

(3) been determined to be a habitual truant, as identified under IC 20-33-2-11;

(4) been significantly behind in credits for graduation, as identified by an individual's school principal;

(5) previously undergone at least a second suspension from school for the school year under IC 20-33-8-14 or IC 20-33-8-15;

(6) previously undergone an expulsion from school under IC 20-33-8-14, IC 20-33-8-15, or IC 20-33-8-16; or

(7) been determined by the individual's principal and the individual's parent or guardian to benefit by participating in the school flex program.

(b) An eligible student who participates in a school flex program must:

(1) attend school for at least three (3) hours of instructional time per school day;

(2) pursue a timely graduation;

(3) provide evidence of college or technical career education enrollment and attendance or proof of employment and labor that is aligned with the student's career academic sequence under rules

- established by the Indiana bureau of child labor;
- (4) not be suspended or expelled while participating in a school flex program;
- (5) pursue course and credit requirements for a general diploma; and
- (6) maintain a ninety-five percent (95%) attendance rate.

(c) A school may allow an eligible student in grade 11 or 12 to complete an instructional day that consists of three (3) hours of instructional time if the student participates in the school flex program.

SECTION 19. IC 20-30-4-2, AS AMENDED BY P.L.233-2015, SECTION 224, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. In consultation with the student's school counselor, after seeking consultation with each student's parents, and not later than the date on which the student completes grade 9, each student shall further develop the graduation plan developed in grade 6 under section 1.5 of this chapter to also include the following:

- (1) The subject and skill areas of interest to the student.
- (2) A program of study under the college/technology preparation curriculum adopted by the state board under IC 20-30-10-2 for grades 10, 11, and 12 that meets the interests and aptitude of the student.
- (3) Assurances that, upon satisfactory fulfillment of the plan, the student:
 - (A) is entitled to graduate; and
 - (B) will have taken at least the minimum variety and number of courses necessary to gain admittance to a state educational institution.
- (4) An indication of assessments (other than **for school years ending before July 1, 2017, ISTEP, for school years beginning after June 30, 2017, BEST**, and the graduation examination) that the student plans to take voluntarily during grade 10 through grade 12, and which may include any of the following:
 - (A) The SAT Reasoning Test.
 - (B) The ACT test.
 - (C) Advanced placement exams.
 - (D) College readiness exams approved by the department.
 - (E) Workforce readiness exams approved by the department of workforce development established under IC 22-4.1-2.

SECTION 20. IC 20-31-3-1, AS AMENDED BY P.L.239-2015, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) The state board shall adopt clear, concise, and jargon free state academic standards that are comparable to national and international academic standards and the college and career readiness educational standards adopted under IC 20-19-2-14.5. These academic standards must be adopted for each grade level from kindergarten through grade 12 for the following subjects:

- (1) English/language arts.
- (2) Mathematics.
- (3) Social studies.
- (4) Science.

(b) For grade levels tested **for school years ending before July 1, 2017**, under the ISTEP program the academic standards must be based in part on the results of the ISTEP program. **For grade levels tested for school years beginning after June 30, 2017, under the BEST program the academic standards must be based in part on the results of the BEST program.**

SECTION 21. IC 20-31-4-10, AS ADDED BY P.L.1-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10. (a) During its onsite evaluation, a review panel shall review the following for a school:

- (1) Teaching practices and administrative leadership in instruction.
- (2) Parental and community involvement.
- (3) **For school years ending before July 1, 2017**, implementation of the ISTEP remediation program under IC 20-32-8 **and, for school years beginning after June 30, 2017, implementation of the BEST remediation program under IC 20-32-8**, and the educational opportunity program for at-risk children.
- (4) The homework policy.

(b) In addition to its review under subsection (a), the review panel shall verify compliance with the legal standards for accreditation under section 6 of this chapter.

SECTION 22. IC 20-31-7-4, AS ADDED BY P.L.1-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) The student educational achievement fund is established to provide funds to stimulate and recognize improved student performance in meeting academic standards:

- (1) **for school years ending before July 1, 2017**, under the ISTEP program; **and**
- (2) **for school years beginning after June 30, 2017, under the BEST program.**

The fund is administered by the department.

(b) The fund consists of appropriations from the general assembly.

(c) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

SECTION 23. IC 20-31-7-6, AS AMENDED BY P.L.213-2015, SECTION 193, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. The state board shall establish a system for awarding and distributing grants under this chapter. A system recommended under this section must be based on graduated levels of improvement based on:

1 **(1) for school years ending before July 1, 2017, ISTEP program**
 2 standards and other assessments approved by the state board;

3 **(2) for school years beginning after June 30, 2017, through the**
 4 **school year specified by the state board, a transitional metric**
 5 **authorized by the state board based on a combination of**
 6 **improvement under ISTEP program standards and BEST**
 7 **program standards and other assessments approved by the**
 8 **state board; and**

9 **(3) for school years beginning after the school year specified**
 10 **by the state board under subdivision (2), BEST program**
 11 **standards and other assessments approved by the state board.**

12 SECTION 24. IC 20-31-8-1, AS AMENDED BY P.L.213-2015,
 13 SECTION 195, IS AMENDED TO READ AS FOLLOWS
 14 [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) The performance of a school's
 15 students on:

16 **(1) for school years ending before July 1, 2017, the ISTEP**
 17 program test;

18 **(2) for school years beginning after June 30, 2017, through the**
 19 **school year specified by the state board, a transitional metric**
 20 **authorized by the state board based on a combination of**
 21 **improvement under ISTEP program tests and BEST program**
 22 **tests; and**

23 **(3) for school years beginning after the school year specified**
 24 **by the state board under subdivision (2), BEST program tests;**

25 and other assessments recommended by the department of education
 26 and approved by the state board are the primary and majority means of
 27 assessing a school's improvement.

28 (b) The department of ~~education~~ shall examine and make
 29 recommendations to the state board concerning:

30 (1) performance indicators to be used as a secondary means of
 31 determining school progress;

32 (2) expected progress levels, continuous improvement measures,
 33 distributional performance levels, and absolute performance
 34 levels for schools; and

35 (3) an orderly transition from the performance based accreditation
 36 system to the assessment system set forth in this article.

37 (c) The department of ~~education~~ shall consider methods of
 38 measuring improvement and progress used in other states in developing
 39 recommendations under this section.

40 (d) The department of ~~education~~ may consider:

41 (1) the likelihood that a student may fail a graduation exam and
 42 require a graduation waiver under IC 20-32-4-4 or IC 20-32-4-5;
 43 and

44 (2) remedial needs of students who are likely to require remedial
 45 work while the students attend a postsecondary educational
 46 institution or workforce training program;

when making recommendations under this section.

SECTION 25. IC 20-31-8-2, AS AMENDED BY P.L.213-2015, SECTION 196, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) In addition to scores on the ISTEP program **test and BEST program tests** and other assessments, the department shall use the performance indicators developed by the state board and the benchmarks and indicators of performance in each school corporation's annual performance report as a secondary means of assessing the performance of each school and school corporation.

(b) The department shall assess school performance in the following manner:

(1) Compare the academic performance and growth of the individual students in each school and each school corporation with the prior academic performance and growth of the individual students in the school or school corporation and not to the performance of other schools or school corporations.

(2) Compare the results in the annual report under IC 20-20-8 with the benchmarks and indicators of performance established in the plan for the same school.

(3) Compare the results for a school by comparing each student's results for each grade with the student's prior year results, with an adjustment for student mobility rate.

(4) Compare the results for a school with the state average and the ninety-fifth percentile level for all assessments and performance indicators.

SECTION 26. IC 20-31-8-3, AS AMENDED BY P.L.239-2015, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) The state board shall establish a number of categories, using an "A" through "F" grading scale, to designate performance based on the individual student academic performance and growth to proficiency in each school.

(b) The state board, in consultation with the department, shall define "low population schools" and shall determine the criteria for placing low population schools in categories established under subsection (a). In setting the definition and criteria for low population schools, the state board shall not penalize schools based on population. An eligible school (as defined in IC 20-51-1-4.7) may not be penalized under IC 20-51-4-9 for the sole reason that the eligible school is considered a low population school under this subsection. The state board's definition and criteria may include the placement of a school that fits the state board's definition in a "null" or "no letter grade" category.

(c) In developing metrics for the categories established under subsection (a), the state board, in consultation with the department, to the extent not inconsistent with federal law, shall consider the severity of tested students' disabilities when using ISTEP **or BEST** scores as a means of assessing school performance.

1 SECTION 27. IC 20-32-2-2.3 IS REPEALED [EFFECTIVE JULY
2 1, 2017]. ~~Sec. 2.3: "ISTEP program test" includes any statewide,~~
3 ~~national, or international assessment that a student is required to~~
4 ~~complete.~~

5 SECTION 28. IC 20-32-5-23 IS ADDED TO THE INDIANA
6 CODE AS A NEW SECTION TO READ AS FOLLOWS
7 [EFFECTIVE JULY 1, 2016]: **Sec. 23. This chapter expires July 1,**
8 **2017.**

9 SECTION 29. IC 20-32-5.1 IS ADDED TO THE INDIANA CODE
10 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
11 UPON PASSAGE]:

12 **Chapter 5.1. Benchmarking Excellence Student Testing**
13 **Program**

14 **Sec. 1. The purposes of the BEST program developed under this**
15 **chapter are as follows:**

- 16 (1) To assess the strengths and weaknesses of school
17 performance.
- 18 (2) To assess the effects of state and local educational
19 programs.
- 20 (3) To compare achievement of Indiana students to
21 achievement of students on a national basis.
- 22 (4) To provide a source of information for state and local
23 decision makers with regard to educational matters, including
24 the following:
 - 25 (A) The overall academic progress of students.
 - 26 (B) The need for new or revised educational programs.
 - 27 (C) The need to terminate existing educational programs.
 - 28 (D) Student readiness for postsecondary school
29 experiences.
 - 30 (E) Overall curriculum development and revision
31 activities.
 - 32 (F) Identifying students who may need remediation under
33 IC 20-32-8.
 - 34 (G) Diagnosing individual student needs.
 - 35 (H) Teacher education and staff development activities.
- 36 (5) To use nationally recognized assessments to eliminate
37 excessive costs related to the development and use of tests.

38 **Sec. 2. (a) In carrying out its responsibilities under this chapter,**
39 **the state board and the department may not delegate the**
40 **responsibility of selecting tests.**

41 **(b) The state board shall determine the content and format of**
42 **the BEST program and the tests, including assessments, used in the**
43 **BEST program. The superintendent of public instruction and the**
44 **department, under the direction of the state board, shall carry out**
45 **the work necessary to carry out this chapter.**

46 **(c) The state board shall select tests for the BEST program that**
47 **are considered nationally recognized assessment tests.**

(d) The content of a nationally recognized assessment test approved by the state board under this chapter must align with Indiana academic standards adopted by the state board, including standards adopted under the following:

(1) IC 20-19-2-14.5.

(2) IC 20-31-3.

(3) IC 20-32-4.

(4) The assessment program established under IC 20-31-8.

(e) The state board may not consider or adopt an assessment or a test that adopts Common Core (Common Core State Standards Initiative) or an assessment or test produced solely by the United States government or a consortium of states.

(f) The state board shall consider assessments or tests that would permit the state to comply with federal law and regulations.

Sec. 3. (a) Before:

(1) selecting one (1) or more vendors or changing one (1) or more vendors to provide tests for the BEST program; or

(2) selecting the format or changing the format for tests provided by a vendor;

the state board shall comply with the minimum procedures in this section. The state board may supplement the minimum procedures in this section by consulting citizen groups and taking other additional actions to fully consider the issues related to establishing a BEST program based on Indiana academic standards.

(b) The state board shall consider a variety of available nationally recognized assessments and tests and adopt a request for proposals that meets the requirements of this chapter. The department shall carry out the work necessary, under the direction of the state board, in preparing the request for proposals. The department shall submit the request for proposals to the roundtable for review. The state board shall consider any recommendations made by the roundtable and, if a recommendation is not adopted, specify in a writing adopted by the state board the reasons why the recommendation was not adopted.

(c) The state board shall submit the responses to the request for proposals to the roundtable for review and recommendations. After receiving the recommendations of the roundtable, the state board shall:

(1) provisionally select a vendor and the tests to be used in the BEST program;

(2) provisionally adopt any necessary modifications in Indiana academic standards to bring the recommended tests into alignment with Indiana academic standards;

(3) conduct at least three (3) public hearings on the provisional determinations of the state board under subdivisions (1) and (2), with one (1) public hearing at a location in northern Indiana, one (1) public hearing at a

1 location in central Indiana, and one (1) public hearing at a
 2 location in southern Indiana; and
 3 (4) submit the determinations under subdivisions (1) and (2),
 4 as revised after the public hearings conducted under
 5 subdivision (3), to the budget committee for review;
 6 before finally selecting a vendor and the tests to be used in the
 7 BEST program.

8 (d) The state board may carry out the procedures in this section
 9 as part of a rulemaking action under IC 4-22-2 or an emergency
 10 rulemaking action under IC 4-22-2-37.1.

11 Sec. 4. BEST program tests shall be administered for school
 12 years beginning after June 30, 2017, in the grade levels determined
 13 by the state board in the following subject areas:

- 14 (1) English/language arts.
- 15 (2) Mathematics.
- 16 (3) Science.
- 17 (4) Social studies.

18 The BEST program tests must include a reading component that
 19 is administered in grade 3.

20 Sec. 5. The state board shall determine the date in each school
 21 year on which statewide BEST program testing is administered in
 22 each school corporation.

23 Sec. 6. The state superintendent is responsible for the overall
 24 development, implementation, and monitoring of the BEST
 25 program authorized by the state board.

26 Sec. 7. The department shall make BEST program scoring
 27 rubrics available to the public at least four (4) months before the
 28 administration of a test. An essay question, a scoring rubric, or an
 29 anchor paper used in the BEST program may not seek or compile
 30 information about a student's:

- 31 (1) personal attitudes;
- 32 (2) political views;
- 33 (3) religious beliefs;
- 34 (4) family relationships; or
- 35 (5) other matters listed in IC 20-30-5-17(b).

36 Sec. 8. The scoring of student responses under the BEST
 37 program test:

- 38 (1) must measure student achievement relative to the
- 39 academic standards established by the state board, including
- 40 the college and career readiness educational standards
- 41 established under IC 20-19-2-14.5;
- 42 (2) must adhere to scoring rubrics and anchor papers; and
- 43 (3) may not reflect the scorer's judgment of the values
- 44 expressed by a student in the student's responses.

45 Sec. 9. Reports related to tests administered as part of the BEST
 46 program must:

- 47 (1) provide scores indicating student performance relative to

each of the academic standards:

- (A) established by the state board; and
- (B) assessed by the test;
- (2) be related to passing scores established by the state board; and
- (3) contain the information listed in subdivisions (1) and (2) for the following levels:
 - (A) Individual student.
 - (B) Classroom.
 - (C) School.
 - (D) School corporation.
 - (E) Indiana.

Sec. 10. Reports of student scores must be:

- (1) returned to the school corporation that administered the test; and
- (2) accompanied by a guide for interpreting scores.

Sec. 11. (a) As used in this section, "BEST program test" includes any statewide assessment that a student is required to complete.

(b) After reports of student scores for a BEST program test are returned to a school corporation, the school corporation shall promptly do the following:

- (1) Give each student and the student's parent the student's BEST program test scores.
- (2) Make available for inspection to each student and the student's parent the following:
 - (A) A copy of all questions that are not multiple choice or true and false and prompts used in assessing the student.
 - (B) A copy of the student's scored responses.
 - (C) A copy of the anchor papers and scoring rubrics used to score the student's responses.

A student's parent may request a rescoring of a student's responses to a BEST program test, including a student's essay.

(c) A student's BEST program test scores may not be disclosed to the public.

Sec. 12. After a school receives score reports for a BEST program test, the school shall schedule a parent/teacher conference with the following:

- (1) A parent of a student who requests a parent/teacher conference on the scores of the student.
- (2) The parent of each student who does not receive a passing score on the test. The conference must include a discussion of:
 - (A) the student's test scores, including subscores on academic standards; and
 - (B) the proposed remediation plan for the student.

Sec. 13. Each school corporation shall compile the total results of the BEST program tests in a manner that will permit evaluation

of learning progress within the school corporation. The school corporation shall make the compilation of test results available for public inspection and shall provide that compilation to the parent of each student tested under the BEST program.

Sec. 14. The department shall develop a format for the publication by school corporations in an annual performance report required by statute of appropriate academic information required by the department, including BEST program test scores and information required to be disaggregated by the department under section 15 of this chapter, in a manner that a reasonable person can easily read and understand.

Sec. 15. (a) The school corporation shall provide the BEST program test results on a school by school basis to the department upon request.

(b) The department shall disaggregate from the total results of the BEST program test results for a school corporation the percentage of students in each school and each grade in the school corporation that are identified as high ability students (as defined by IC 20-36-1-3) by the school corporation who also achieved a score in the highest performance level designated for the BEST test. However, this disaggregation is not required in a case in which the results would reveal personally identifiable information about an individual student under the federal Family Education Rights and Privacy Act (20 U.S.C. 1232g et seq.).

Sec. 16. Upon request by the commission for higher education, the department shall provide BEST program test results to the commission for those students for whom the commission under 20 U.S.C. 1232g has obtained consent.

Sec. 17. (a) The state superintendent shall develop a BEST program testing schedule in which:

(1) each student in the grades approved by the state board must be tested; and

(2) each student in grade 10 or grade 11 must take a graduation examination.

(b) The state board shall adopt rules to establish when a student is considered to be in grade 10 for purposes of initially taking the graduation examination.

Sec. 18. (a) A student who is a student with a disability (as defined in IC 20-35-1-8) shall be tested under this chapter with appropriate accommodations in testing materials and procedures unless the individuals who develop the child's individualized education program determine that testing or a part of the testing under this chapter is not appropriate for the student and that an alternate assessment will be used to test the student's achievement.

(b) Any decision concerning a student who is a student with a disability (as defined in IC 20-35-1-8) regarding the student's:

(1) participation in testing under this chapter;

(2) receiving accommodations in testing materials and procedures;

(3) participation in remediation under IC 20-32-8; or

(4) retention at the same grade level for consecutive school years;

shall be made in accordance with the student's individualized education program in compliance with the BEST program manual and federal law.

Sec. 19. (a) If a nonpublic school seeks accreditation as authorized under IC 20-19-2-8(a)(4), the governing body of the nonpublic school is entitled to acquire at no charge from the department:

(1) the BEST program test; and

(2) the scoring reports used by the department.

(b) A nonpublic school seeking accreditation must:

(1) administer the BEST program test to its students at the same time that school corporations administer the test; and

(2) make available to the department the results of the BEST program testing.

Sec. 20. The state board may establish assessments to supplement BEST assessments for secondary school students.

Sec. 21. The state board may adopt rules under IC 4-22-2, including emergency rules under IC 4-22-2-37.1, to implement this chapter.

SECTION 30. IC 20-32-8-11, AS AMENDED BY P.L.233-2015, SECTION 245, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 11. Notwithstanding the requirements of this chapter, any decisions made with regard to:

(1) attendance in a remediation program;

(2) ISTEP program testing **or BEST program testing**; and

(3) the grade level placement;

for a student who is a student with a disability (as defined in IC 20-35-1-8) shall be made in accordance with the individualized education program, state law, and federal law.

SECTION 31. IC 20-33-2-13, AS AMENDED BY P.L.222-2015, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 13. (a) A school corporation shall record or include the following information in the official high school transcript for a student in high school:

(1) Attendance records.

(2) **For school years ending before July 1, 2017**, the student's latest ISTEP program test results under IC 20-32-5 (**expired effective July 1, 2017**) and, **for school years ending after June 30, 2017**, the student's latest BEST program test results.

(3) Any secondary level and postsecondary level certificates of achievement earned by the student.

(4) Immunization information from the immunization record the student's school keeps under IC 20-34-4-1.

(5) Any dual credit courses taken that are included in the core transfer library under IC 21-42-5-4.

(b) A school corporation may include information on a student's high school transcript that is in addition to the requirements of subsection (a).

SECTION 32. IC 20-35-8-1, AS AMENDED BY P.L.229-2011, SECTION 195, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) Except as provided in subsection (b), if a student with legal settlement in a school corporation is transferred to attend school in another school corporation because of a disability or multiple disabilities, the transferor corporation shall:

(1) either:

(A) provide; or

(B) pay for, in the amount determined under section 2 of this chapter;

any transportation that is necessary or feasible, as determined under section 2 of this chapter and the rules adopted by the state board; and

(2) pay transfer tuition for the student to the transferee corporation in accordance with IC 20-26-11.

(b) If the student attends a school operated through:

(1) a joint school service and supply program; or

(2) another cooperative program;

involving the school corporation of the student's legal settlement, transportation and other costs shall be made in amounts and at the times provided in the agreement or other arrangement made between the participating school corporations.

(c) Student data, including ISTEP program testing scores, **BEST program testing scores**, academic progress, grade level, and graduation date, for a student described in subsection (a) shall be included in determinations for the school corporation in which the student has legal settlement.

SECTION 33. IC 20-43-10-3, AS AMENDED BY P.L.213-2015, SECTION 226, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) As used in this section, "achievement test" means a:

(1) test required by the ISTEP program **or the BEST program, as applicable**; or

(2) Core 40 end of course assessment for the following:

(A) Algebra I.

(B) English 10.

(C) Biology I.

(b) As used in this section, "graduation rate" means the percentage graduation rate for a high school in a school corporation as determined

under IC 20-26-13-10 but adjusted to reflect the pupils who meet the requirements of graduation under subsection (c).

(c) As used in this section, "test" means either:

(1) a test required by the ISTEP program **or the BEST program, as applicable;** or

(2) a Core 40 end of course assessment;

in the school year ending in the immediately preceding state fiscal year or, for purposes of a school year to school year comparison, in the school year immediately preceding that school year.

(d) A pupil meets the requirements of graduation for purposes of this section if the pupil successfully completed:

(1) a sufficient number of academic credits, or the equivalent of academic credits; and

(2) the graduation examination required under IC 20-32-3 through IC 20-32-5;

that resulted in the awarding of a high school diploma or an academic honors diploma to the pupil for the school year ending in the immediately preceding state fiscal year.

(e) Determinations for a school for a state fiscal year must be made using:

(1) the count of tests passed compared to the count of tests taken throughout the school;

(2) the graduation rate in the high school; and

(3) the count of pupils graduating in the high school.

(f) In determining grants under this section, a school corporation may qualify for the following two (2) grants each year:

(1) One (1) grant under subsection (h), (i), or (j).

(2) One (1) grant under subsection (k), (l), or (m).

(g) The sum of the two (2) grant amounts described in subsection (f), as determined for a school corporation under this section, constitutes an annual performance grant that is in addition to state tuition support. The annual performance grant for a state fiscal year shall be distributed to the school corporation before December 5 of that state fiscal year. If the:

(1) total amount to be distributed as performance grants for a particular state fiscal year exceeds the amount appropriated by the general assembly for performance grants for that state fiscal year, the total amount to be distributed as performance grants to school corporations shall be proportionately reduced so that the total reduction equals the amount of the excess. The amount of the reduction for a particular school corporation is equal to the total amount of the excess multiplied by a fraction. The numerator of the fraction is the amount of the performance grant that the school corporation would have received if a reduction were not made under this section. The denominator of the fraction is the total amount that would be distributed as performance grants to all

1 school corporations if a reduction were not made under this
2 section; and

3 (2) total amount to be distributed as performance grants for a
4 particular state fiscal year is less than the amount appropriated by
5 the general assembly for performance grants for that state fiscal
6 year, the total amount to be distributed as performance grants to
7 school corporations for that particular state fiscal year shall be
8 proportionately increased so that the total amount to be
9 distributed equals the amount of the appropriation for that
10 particular state fiscal year.

11 The performance grant received by a school corporation shall be
12 allocated among and used only to pay cash stipends to all teachers who
13 are rated as effective or as highly effective and employed by the school
14 corporation as of December 1. The lead school corporation or interlocal
15 cooperative administering a cooperative or other special education
16 program or administering a career and technical education program,
17 including programs managed under IC 20-26-10, IC 20-35-5, IC 20-37,
18 or IC 36-1-7, shall award performance stipends to and carry out the
19 other responsibilities of an employing school corporation under this
20 section for the teachers in the special education program or career and
21 technical education program. The amount of the distribution from an
22 annual performance grant to an individual teacher is determined at the
23 discretion of the governing body of the school corporation. The
24 governing body shall differentiate between the amount of the stipend
25 awarded to a teacher rated as a highly effective teacher and a teacher
26 rated as an effective teacher and may differentiate between school
27 buildings. A stipend to an individual teacher in a particular year is not
28 subject to collective bargaining and is in addition to the minimum
29 salary or increases in salary set under IC 20-28-9-1.5. In addition, an
30 amount determined under the policies adopted by the governing body
31 but not exceeding fifty percent (50%) of the amount of a stipend to an
32 individual teacher in a particular state fiscal year beginning after June
33 30, 2015, becomes a permanent part of and increases the base salary of
34 the teacher receiving the stipend for school years beginning after the
35 state fiscal year in which the stipend is received. The addition to base
36 salary under this section is not subject to collective bargaining, is
37 payable from funds other than the performance grant, and is in addition
38 to the minimum salary and increases in salary set under IC 20-28-9-1.5.
39 The school corporation shall complete the appropriation process for all
40 stipends from a performance grant to individual teachers before
41 December 31 of the state fiscal year in which the performance grant is
42 distributed to the school corporation and distribute all stipends from a
43 performance grant to individual teachers before the immediately
44 following January 31. Any part of the performance grant not distributed
45 as stipends to teachers before February must be returned to the
46 department on the earlier of the date set by the department or June 30

1 of that state fiscal year.

2 (h) A school qualifies for a grant under this subsection if the school
3 has more than seventy-five percent (75%) but less than ninety percent
4 (90%) of the tests taken in the school year ending in the immediately
5 preceding state fiscal year that receive passing scores. The grant
6 amount for the state fiscal year is:

7 (1) the count of the school's passing scores on tests in the school
8 year ending in the immediately preceding state fiscal year;
9 multiplied by

10 (2) twenty-three dollars and fifty cents (\$23.50).

11 (i) A school qualifies for a grant under this subsection if the school
12 has at least ninety percent (90%) of the tests taken in the school year
13 ending in the immediately preceding state fiscal year that receive
14 passing scores. The grant amount for the state fiscal year is:

15 (1) the count of the school's passing scores on tests in the school
16 year ending in the immediately preceding state fiscal year;
17 multiplied by

18 (2) forty-seven dollars (\$47).

19 (j) This subsection does not apply to a school corporation in its first
20 year of operation or to a school corporation that is entitled to a
21 distribution under subsection (h) or (i). A school qualifies for a grant
22 under this subsection if the school's school year over school year
23 percentage growth rate of achievement tests receiving passing scores
24 was at least one percent (1%), comparing the school year ending in the
25 immediately preceding state fiscal year to the school year immediately
26 preceding that school year. The grant amount for the state fiscal year
27 is:

28 (1) the count of the school corporation's pupils who had a passing
29 score on their achievement test in the school year ending in the
30 immediately preceding state fiscal year; multiplied by

31 (2) one hundred sixty dollars (\$160).

32 (k) A school qualifies for a grant under this subsection if the school
33 had a graduation rate of ninety percent (90%) or more for the school
34 year ending in the immediately preceding state fiscal year. The grant
35 amount for the state fiscal year is:

36 (1) the count of the school corporation's pupils who met the
37 requirements for graduation for the school year ending in the
38 immediately preceding state fiscal year; multiplied by

39 (2) one hundred seventy-six dollars (\$176).

40 (l) A school qualifies for a grant under this subsection if the school
41 had a graduation rate greater than seventy-five percent (75%) but less
42 than ninety percent (90%) for the school year ending in the
43 immediately preceding state fiscal year. The grant amount for the state
44 fiscal year is:

45 (1) the count of the school corporation's pupils who met the
46 requirements for graduation for the school year ending in the

immediately preceding state fiscal year; multiplied by
(2) eighty-eight dollars (\$88).

(m) This subsection does not apply to a school in its first year of operation or to a school corporation that is entitled to a distribution under subsection (k) or (l). A school qualifies for a grant under this subsection if the school's school year over school year percentage growth in its graduation rate is at least one percent (1%), comparing the graduation rate for the school year ending in the immediately preceding state fiscal year to the graduation rate for the school year immediately preceding that school year. The grant amount for the state fiscal year is:

- (1) the count of the school corporation's pupils who met the requirements for graduation in the school year ending in the immediately preceding state fiscal year; multiplied by
- (2) one thousand dollars (\$1,000).

(n) This section expires June 30, 2017.

SECTION 34. IC 20-51-1-4.7, AS AMENDED BY P.L.211-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4.7. "Eligible school" refers to a public or nonpublic elementary school or high school that:

- (1) is located in Indiana;
- (2) requires an eligible choice scholarship student to pay tuition or transfer tuition to attend;
- (3) voluntarily agrees to enroll an eligible choice scholarship student;
- (4) is accredited by either the state board or a national or regional accreditation agency that is recognized by the state board;
- (5) **for school years ending before July 1, 2017, administers the Indiana statewide testing for educational progress (ISTEP) program under IC 20-32-5, and for school years beginning after June 30, 2017, administers the benchmarking excellence student testing (BEST) program;**
- (6) is not a charter school or the school corporation in which an eligible choice scholarship student has legal settlement under IC 20-26-11; and
- (7) submits to the department only the student performance data required for a category designation under IC 20-31-8-3.

SECTION 35. IC 20-51-1-6, AS ADDED BY P.L.182-2009(ss), SECTION 364, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. (a) "Participating school" refers to a public or nonpublic school that:

- (1) an eligible student is required to pay tuition or transfer tuition to attend;
- (2) voluntarily agrees to enroll an eligible student;
- (3) is accredited by either the state board or a national or regional accreditation agency that is recognized by the state board; and

1 (4) administers:

2 (A) for a school year ending before July 1, 2017, the tests
3 under the Indiana statewide testing for educational progress
4 (ISTEP) program or administers another nationally recognized
5 and norm-referenced assessment of the school's students; and
6 (B) for a school year beginning after June 30, 2017, the
7 tests under the benchmarking excellence student testing
8 (BEST) program or another nationally recognized and
9 norm-referenced assessment of the school's students.

10 (b) The term does not include a public school in a school
11 corporation where the eligible student has legal settlement under
12 IC 20-26-11."

13 Renumber all SECTIONS consecutively.

(Reference is to ESB 200 as printed January 15, 2016.)

Representative Goodin