



February 20, 2001

HOUSE BILL No. 1683

DIGEST OF HB 1683 (Updated February 19, 2001 11:11 AM - DI 97)

Citations Affected: IC 20-1; IC 20-3; IC 20-3.1; noncode.

Synopsis: Indianapolis public schools. Amends the law concerning Indianapolis Public Schools (IPS) to make the provisions concerning student standards, improvement, and accountability consistent with provisions applicable to other school corporations. Eliminates IPS specific teacher evaluation provisions and makes IPS teacher evaluations consistent with existing provisions applicable to other school corporations and teachers. Eliminates merit pay provisions for IPS employees and provides that IPS may participate in the student educational achievement grant program. Reinstates collective bargaining and discussion rights for certificated school employees in IPS with regard to matters that are currently open for bargaining or discussion for school employees in other school systems.

Effective: Upon passage; July 1, 2001.

Porter

January 17, 2001, read first time and referred to Committee on Education.
February 19, 2001, reported — Do Pass.

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HB 1683—LS 7589/DI 97+



February 20, 2001

First Regular Session 112th General Assembly (2001)

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 2000 General Assembly.

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HOUSE BILL No. 1683

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 20-1-21-9.5, AS ADDED BY P.L.8-1999,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2001]: Sec. 9.5. For all schools under IC 20-3.1, the report
4 must include the following, in addition to the requirements of
5 IC 20-1-21-9:
6 (1) Student achievement information as follows:
7 (A) For each elementary and middle school, grade
8 advancement rates.
9 (B) For each high school, the percentage of students who apply
10 to, are accepted by, and attend a college, university, or other
11 post-secondary educational institution after high school.
12 (2) Administrative performance measures as follows:
13 (A) School receipts and expenditures by source, compared
14 with budget amounts.
15 (B) Total school enrollment.
16 (C) The school's general fund expenditures per student and
17 total expenditures per student.

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- 1 (D) The amount and percentage of the school's general fund
 2 expenditures and the amount and percentage of total
 3 expenditures directly reaching the classroom as determined by
 4 a formula to be established by the board.
 5 (E) Teacher/pupil ratios aggregated by class, grade, and
 6 school.
 7 (F) Administrator/pupil ratio for the school.
 8 (G) Teacher ~~attendance~~ **retention** rates aggregated by class,
 9 grade, and school.
 10 (3) Achievement on the annual performance objectives identified
 11 under IC 20-3.1-8.
 12 (4) The performance objectives established under IC 20-3.1-8 for
 13 the upcoming school year.
 14 (5) State and school city averages for each of the measures set
 15 forth in subdivisions (1) through (2), if available.
 16 SECTION 2. IC 20-3-11-32 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 32. The general school
 18 laws of this state and all laws and parts of laws applicable to the
 19 general system of common schools in school cities, so far as not
 20 inconsistent with the provisions of this chapter ~~and IC 20-3-1, and~~
 21 ~~unless made inapplicable by IC 20-3-1~~, shall be in full force and effect
 22 in a school city to which this chapter applies.
 23 SECTION 3. IC 20-3.1-2-20 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 20. "State achievement
 25 standards" refers to the ~~state achievement~~ **academic** standards adopted
 26 under IC 20-10.1-17 for the ISTEP program.
 27 SECTION 4. IC 20-3.1-3-1 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. The following school
 29 conditions and needs are found to exist on January 1, 1995:
 30 (1) Education in the school city presents unique challenges.
 31 (2) Student achievement in the school city on statewide tests
 32 consistently has been significantly below:
 33 (A) the state average; and
 34 (B) achievement attained in school corporations adjacent to
 35 the school city.
 36 (3) The need for remediation of students in the school city
 37 consistently has been significantly higher than:
 38 (A) the state average; and
 39 (B) remediation levels in school corporations adjacent to the
 40 school city.
 41 (4) Graduation rates in the school city consistently have been
 42 significantly below:

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- 1 (A) the state average; and
 2 (B) graduation rates in school corporations adjacent to the
 3 school city.
 4 (5) Student attendance rates in the school city consistently have
 5 been below:
 6 (A) the state average; and
 7 (B) student attendance rates in school corporations adjacent to
 8 the school city.
 9 (6) There are individual schools in the school city whose students
 10 are achieving. However, ~~overall~~ **the degree of** student
 11 achievement in the school city is unsatisfactory.
 12 (7) Improving education in the school city requires unique
 13 legislative intervention.
 14 (8) Educator-driven school level control of efforts to improve
 15 student achievement in their schools ~~and a program of~~
 16 ~~performance awards~~ in the school city will encourage the
 17 development and use of:
 18 (A) innovative teaching methods;
 19 (B) improved opportunities for teacher professional
 20 development;
 21 (C) programs achieving greater levels of parental involvement;
 22 (D) more efficient administrative efforts; and
 23 (E) improved student achievement.
 24 (9) Greater accountability among educators in their schools,
 25 including:
 26 (A) ~~evaluations based on student achievement measures and~~
 27 ~~administrative efficiency criteria; and~~
 28 (B) annual reports to the public regarding student achievement
 29 information and administrative performance measures;
 30 will encourage the development and use of creative and
 31 innovative educational methods and improve student
 32 achievement.
 33 (10) Providing a range of remediation opportunities to students in
 34 the school city who fail to meet state achievement standards or
 35 who are determined to be at risk of academic failure by the board
 36 will enhance the educational opportunities available to students
 37 and improve student performance.
 38 (11) Enhanced intervention for schools whose students fail to
 39 meet expected performance levels will improve the educational
 40 opportunities and educational achievement in the school city.
 41 (12) Allowing students to attend neighborhood schools and the
 42 development and implementation of a **strategic and continuous**

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1 **improvement and achievement plan by the board under**
 2 **IC 20-10.2 at each school** to increase student performance and
 3 achievement in the school city are necessary to achieve these
 4 legislative objectives and to meet the unique challenges to
 5 education and improve student achievement in the school city.

6 SECTION 5. IC 20-3.1-6-1 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. The student
 8 performance measures described in sections 2 ~~through 4 and 3~~ of this
 9 chapter shall be used by the board to:

- 10 (1) assess;
 11 (2) report; and
 12 (3) improve;

13 the performance of schools ~~educators; and students~~ in the school city.

14 SECTION 6. IC 20-3.1-6-3 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. The board shall use
 16 performance objectives to:

- 17 (1) implement the ~~school board's~~ plan;
 18 (2) evaluate school performance; **and**
 19 (3) publish annual reports. ~~and~~
 20 ~~(4) determine academic receivership under IC 20-3.1-14.~~

21 SECTION 7. IC 20-3.1-6-5, AS AMENDED BY P.L.14-2000,
 22 SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2001]: Sec. 5. Each school in the school city shall **develop a**
 24 **strategic and continuous improvement and achievement plan**
 25 **under IC 20-10.2 and, in so doing, shall** measure and record

- 26 ~~(1)~~ the school's achievement in reaching the school's performance
 27 objectives established under IC 20-3.1-8.
 28 ~~(2)~~ student achievement information for the school described in
 29 IC 20-1-21-9 and IC 20-1-21-9.5; **and**
 30 ~~(3)~~ teacher and administrative performance information for the
 31 school described in IC 20-1-21-9.5.

32 SECTION 8. IC 20-3.1-7-1 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. (a) The board shall
 34 develop and implement a plan for the improvement of **schools and**
 35 student achievement in the schools within the school city.

36 (b) A plan developed and implemented under this chapter must be
 37 consistent with this article.

38 SECTION 9. IC 20-3.1-7-2, AS AMENDED BY P.L.8-1999,
 39 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2001]: Sec. 2. The plan developed and implemented under
 41 this chapter must do the following:

- 42 (1) Provide for efforts to increase support of the schools by the

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1 parents of students and the neighborhood communities
2 surrounding the schools.

3 (2) Establish performance objectives for educators and students
4 in each school within the school city.

5 (3) Provide opportunity and support for the educators in each
6 school to develop a ~~the school~~ **and strategic and continuous**
7 **improvement and achievement** plan, including:

8 (A) traditional or innovative methods and approaches to
9 improve student achievement; and

10 (B) efficient and cost effective management efforts in the
11 school;

12 that are consistent with general guidelines established by the
13 board.

14 (4) Require annual reports identifying the progress of student
15 achievement for each school as described in IC 20-1-21-9 and
16 IC 20-1-21-9.5.

17 (5) Provide for the effective evaluation of each school within the
18 school city. ~~and the school's educators; including the~~
19 ~~consideration of student achievement in the school.~~

20 (6) ~~Develop performance awards under IC 20-3.1-12 for~~
21 ~~extraordinary and outstanding performance by educators.~~

22 (7) (6) Provide a range of opportunity for remediation of students
23 who:

24 (A) fail to meet state achievement standards; or

25 (B) are at risk of academic failure.

26 (8) (7) Require action to raise the level of performance of a school
27 if the school's students fail to achieve expected performance
28 levels or performance objectives established for the school.

29 SECTION 10. IC 20-3.1-8-1 IS AMENDED TO READ AS
30 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. (a) The board shall
31 establish annual performance objectives for each school. ~~including the~~
32 ~~following:~~

33 (1) For students:

34 (A) ~~improvement in scores on statewide assessment tests and~~
35 ~~assessment programs;~~

36 (B) ~~improvement in attendance rates; and~~

37 (C) ~~improvement in progress toward graduation.~~

38 (2) For teachers:

39 (A) ~~improvement in student scores on assessment tests and~~
40 ~~assessment programs;~~

41 (B) ~~improvement in the number and percentage of students~~
42 ~~achieving state achievement standards and; if applicable;~~

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- 1 performance levels set by the board; on assessment tests;
 2 (C) improvement in student progress toward graduation;
 3 (D) improvement in student attendance rates for the school
 4 year;
 5 (E) improvement in individual teacher attendance rates;
 6 (F) improvement in communication with parents and parental
 7 involvement in classroom and extracurricular activities; and
 8 (G) other objectives developed by the board.
- 9 (3) For the school and the school administrators:
 10 (A) improvement in student scores on assessment tests;
 11 aggregated by class and grade;
 12 (B) improvement in the number and percentage of students
 13 achieving state achievement standards and, if applicable,
 14 performance levels set by the board; on assessment tests;
 15 aggregated by class and grade;
 16 (C) improvement in student graduation rates and in progress
 17 toward graduation;
 18 (D) improvement in student attendance rates;
 19 (E) management of general fund expenditures per student and
 20 total expenditures per student;
 21 (F) improvement in teacher attendance rates; and
 22 (G) other objectives developed by the board.
- 23 **(b) The performance objectives established under subsection (a)**
 24 **must be consistent with the state achievement standards and**
 25 **include improvement in at least the following areas:**
- 26 **(1) Attendance rate.**
 27 **(2) The percentage of students that meet academic standards**
 28 **under the ISTEP program (IC 20-10.1-16).**
 29 **(3) For a secondary school, graduation rate.**
- 30 SECTION 11. IC 20-3.1-9-2 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. (a) Educators in each
 32 school are responsible for improving student achievement in the school
 33 and **may shall** develop the educators' own school a **strategic and**
 34 **continuous improvement and achievement plan under IC 20-10.2**
 35 to achieve improvement that:
 36 (1) conforms to the guidelines issued by the board; and
 37 (2) has a cost that does not exceed the amount allocated to the
 38 school under section 5 of this chapter.
- 39 **(b) The plan described in subsection (a) must be developed by a**
 40 **committee under the procedure set forth in IC 20-10.2.**
- 41 **(c) Educators may use traditional or innovative techniques that the**
 42 **educators believe will best maintain a secure and supportive**

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1 educational environment and improve student achievement.

2 SECTION 12. IC 20-3.1-9-3 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. **In addition to the**
4 **requirements of the plan set forth in IC 20-10.2**, each school's plan
5 must include the development and maintenance of efforts to increase
6 parental involvement in educational activities.

7 SECTION 13. IC 20-3.1-9-4 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. School plans
9 **developed under this chapter** shall promote:

- 10 (1) increased options for; and
11 (2) innovative and successful approaches to;
12 improving student achievement.

13 SECTION 14. IC 20-3.1-9-6 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 6. (a) ~~Each school's~~
15 ~~educators may~~ **The plan developed under this chapter must address:**

- 16 (1) ~~determine~~ the educational resources, goods, and services that
17 are necessary and appropriate for improving student performance
18 in the school; and
19 (2) ~~obtain the acquisition~~ or purchase of the educational
20 resources, goods, and services.

- 21 (b) Purchases and acquisitions under this section are subject to:
22 (1) the general guidelines developed by the board; and
23 (2) the school's budget.

24 SECTION 15. IC 20-3.1-11-1 IS AMENDED TO READ AS
25 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. IC 20-6.1-9 ~~does not~~
26 ~~apply~~ **applies** to a school city.

27 SECTION 16. IC 20-3.1-12.1 IS ADDED TO THE INDIANA
28 CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS
29 [EFFECTIVE JULY 1, 2001]:

30 **Chapter 12.1. Student Educational Achievement Grants for a**
31 **School City**

32 **Sec. 1. A school city is entitled to participate in the student**
33 **educational achievement grant program under IC 20-10.2-4.**

34 SECTION 17. IC 20-3.1-13-2 IS AMENDED TO READ AS
35 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. The board may:

- 36 (1) request and receive competitive proposals from:

- 37 (A) a school of the school city; **or**
38 (B) **another public educational institution; or**
39 (C) a group of educators from the school city;

40 to provide summer remediation services under guidelines and
41 specified performance standards established by the **state** board;
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1 (2) contract with one (1) or more providers listed in subdivision
 2 (1) to provide summer remediation services to students in the
 3 school city.

4 SECTION 18. IC 20-3.1-13-4 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. (a) Summer
 6 remediation services provided by contractors under section 2 of this
 7 chapter shall be at no tuition cost to the student.

8 (b) Upon the request of the parent of a student described in section
 9 4 of this chapter, the school city shall provide the parent with a summer
 10 remediation subsidy in an amount equal to fifty percent (50%) of the
 11 lowest per student cost of summer remediation services provided by a
 12 contractor under section 2 of this chapter.

13 (c) A parent to whom a summer remediation subsidy is provided
 14 may use the subsidy to purchase summer remediation services from a
 15 provider located within Marion County. The parent may choose to use
 16 the remediation subsidy at an accredited public school. If the amount
 17 of tuition for the remediation services is greater than the amount of the
 18 remediation subsidy provided to the parent, the parent is responsible
 19 for the additional amount.

20 (d) The allocated remediation subsidy is payable to a provider of
 21 remediation services upon the provider's enrollment of the student in
 22 the remediation program.

23 (e) Payment of a remediation subsidy fulfills the obligation under
 24 this chapter of the school city to provide remediation services to a
 25 student.

26 (f) If a student who has received a remediation subsidy does not
 27 complete a remediation program, the provider of remediation services
 28 shall make a refund of the remediation subsidy on a pro rata basis to
 29 the school city.

30 SECTION 19. IC 20-3.1-14.1 IS ADDED TO THE INDIANA
 31 CODE AS A NEW CHAPTER TO READ AS FOLLOWS
 32 [EFFECTIVE JULY 1, 2001]:

33 **Chapter 14.1. Assessing Improvement; Accountability Measures**
 34 **Sec. 1. For purposes of assessing a school's improvement,**
 35 **IC 20-10.2-5 applies to the school city.**

36 **Sec. 2. For purposes of accountability of a school, the**
 37 **consequences under IC 20-10.2-6 apply to a school within the**
 38 **school city.**

39 SECTION 20. IC 20-3.1-15-1 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. To provide the board
 41 with the necessary flexibility and resources to carry out this article, the
 42 following apply:



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- 1 (1) The board may eliminate or modify existing policies and
 2 create new policies, and alter policies from time to time, subject
 3 to this article and the plan developed under IC 20-3.1-7.
 4 (2) IC 20-7.5 does not apply to matters set forth in this article.
 5 The matters set forth in this article may not be the subject of
 6 collective bargaining or discussion under IC 20-7.5.
 7 (3) An exclusive representative certified under IC 20-7.5 to
 8 represent certified employees of the school city, or any other
 9 entity voluntarily recognized by the board as a representative of
 10 employees providing educational services in the schools, may
 11 bargain collectively only concerning salary, wages, and salary and
 12 wage related fringe benefits. The exclusive representative may not
 13 bargain collectively or discuss performance awards under
 14 IC 20-3.1-12.
 15 (4) (1) The board of school commissioners may waive the
 16 following statutes and rules for any school in the school city
 17 without the need for administrative, regulatory, or legislative
 18 approval:
 19 (A) The following rules concerning curriculum and
 20 instructional time:
 21 511 IAC 6.1-3-4
 22 511 IAC 6.1-5-0.5
 23 511 IAC 6.1-5-1
 24 511 IAC 6.1-5-2.5
 25 511 IAC 6.1-5-3.5
 26 511 IAC 6.1-5-4
 27 (B) The following rules concerning pupil/teacher ratios:
 28 511 IAC 6-2-1(b)(2)
 29 511 IAC 6.1-4-1
 30 (C) The following statutes and rules concerning textbooks, and
 31 rules adopted under the statutes:
 32 IC 20-10.1-9-1
 33 IC 20-10.1-9-18
 34 IC 20-10.1-9-21
 35 IC 20-10.1-9-23
 36 IC 20-10.1-9-27
 37 IC 20-10.1-10-1
 38 IC 20-10.1-10-2
 39 511 IAC 6.1-5-5
 40 (D) The following rules concerning school principals:
 41 511 IAC 6-2-1(c)(4)
 42 511 IAC 6.1-4-2

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(E) 511 IAC 2-2, concerning school construction and remodeling.

~~(5)~~ (2) Notwithstanding any other law, a school city may do the following:

(A) Lease school transportation equipment to others for nonschool use when the equipment is not in use for a school city purpose.

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

- (i) professional development; or
- (ii) technology, including video distance learning.

(C) Transfer funds obtained from sources other than state or local government taxation among any account of the school corporation, including a professional development and technology fund established under clause (B).

~~(6)~~ (3) A school city may transfer funds obtained from property taxation among the general fund (established under IC 21-2-11) and the school transportation fund (established under IC 21-2-11.5), subject to the following:

(A) The sum of the property tax rates for the general fund and the school transportation fund after a transfer occurs under this subdivision may not exceed the sum of the property tax rates for the general fund and the school transportation fund before a transfer occurs under this clause.

(B) This clause does not allow a school corporation to transfer to any other fund money from the debt service fund (established under IC 21-2-4).

SECTION 21. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2001]: IC 20-3.1-2-10; IC 20-3.1-2-15; IC 20-3.1-2-25; IC 20-3.1-6-4; IC 20-3.1-7-3; IC 20-3.1-11-2; IC 20-3.1-11-3; IC 20-3.1-11-4; IC 20-3.1-11-5; IC 20-3.1-11-6; IC 20-3.1-12; IC 20-3.1-14.

SECTION 22. [EFFECTIVE UPON PASSAGE] (a) **Notwithstanding any other law, the subjects included in the written agreement existing on August 31, 1994, between the board of school commissioners of the city of Indianapolis and the exclusive representative (Agreement between the Board of School Commissioners of the City of Indianapolis and the Indianapolis Education Association, 1991-1994) are restored as subjects of bargaining beginning on the earlier of the following:**

- (1) The effective date of this act.
- (2) July 1, 2001.

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(b) This SECTION expires July 1, 2001.
SECTION 23. [EFFECTIVE UPON PASSAGE] **(a) After the effective date of this act and before the implementation of the plan for the continuous school improvement and achievement established under IC 20-3.1-9, as amended by this act, a school employer that is subject to IC 20-3.1, as amended by this act:**
(1) may not cancel the contract of a school employee for any reason other than a reason set forth in IC 20-6.1-4-10 or IC 20-6.1-4-10.5; and
(2) is subject to IC 20-6.1-4-11 when canceling the contract of a school employee.
(b) This SECTION expires July 1, 2004.
SECTION 24. An emergency is declared for this act.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1683, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

PORTER, Chair

Committee Vote: yeas 8, nays 2.

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