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# HOUSE BILL No. 1309

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 20-19-6; IC 20-31-5-4.

**Synopsis:** Educational equity. Establishes the office of educational equity (office) within the department of education (department). Provides that the office shall establish a framework to assist the state and school corporations in recognizing and responding to disproportionality within certain programs. Provides that the office shall establish a framework to assist the state and school corporations in recognizing and responding to disproportionality (which is defined as the overrepresentation or underrepresentation of a particular student population group in a particular educational program or system). Provides that the office shall work with other offices and centers within the department to develop effective monitoring and program development to combat disproportionality that is found in school corporations. Makes conforming amendments.

**Effective:** Upon passage.

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## Harris, Smith V, Porter

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January 11, 2012, read first time and referred to Committee on Education.

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Second Regular Session 117th General Assembly (2012)

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 2011 Regular Session of the General Assembly.

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## HOUSE BILL No. 1309



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

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 20-19-6 IS ADDED TO THE INDIANA CODE AS  
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON  
3 PASSAGE]:

4 **Chapter 6. Office of Educational Equity**

5 **Sec. 1. As used in this chapter, "disproportionality" means the**  
6 **overrepresentation or underrepresentation of a particular student**  
7 **population group in a particular program or system, based upon**  
8 **criteria developed in section 6 of this chapter, such that the**  
9 **probability of a student being misidentified, misclassified, or**  
10 **inappropriately placed is significantly increased. The term includes**  
11 **the overrepresentation or the underrepresentation of groups based**  
12 **upon race, ethnic background, socioeconomic status, English**  
13 **proficiency, national origin, gender, or cultural factors.**

14 **Sec. 2. As used in this chapter, "office" refers to the office of**  
15 **educational equity established by section 3 of this chapter.**

16 **Sec. 3. The office of educational equity is established within the**  
17 **department to monitor and coordinate responses to issues of**



1        **disproportionality within and among the following programs or**  
 2        **systems:**

- 3            (1) **Student achievement.**  
 4            (2) **Discipline.**  
 5            (3) **Special education.**  
 6            (4) **Alternative education.**  
 7            (5) **Dropout prevention and graduation.**  
 8            (6) **High ability.**  
 9            (7) **Cultural competency or engagement.**

10        **Sec. 4. The office shall be administered by an associate**  
 11        **superintendent for educational equity who is designated by the**  
 12        **state superintendent.**

13        **Sec. 5. The office shall establish a framework to assist the state**  
 14        **and school corporations in recognizing and responding to**  
 15        **disproportionality by ensuring at least the following:**

- 16            (1) **The creation of a data system that is capable of detailing**  
 17            **state and school corporation level data on the extent of**  
 18            **disproportionality within and among the various programs**  
 19            **and systems described in section 3 of this chapter.**  
 20            (2) **The establishment of a statewide advisory board to assist**  
 21            **the department with the relevant issues associated with**  
 22            **addressing disproportionality and achieving equity.**  
 23            (3) **Coordination with other departments and agencies within**  
 24            **and outside the department in establishing regulatory**  
 25            **mechanisms to ensure accountability.**

26        **Sec. 6. The office shall work with other offices and centers**  
 27        **within the department to develop effective monitoring and**  
 28        **program development to combat disproportionality that is found**  
 29        **in school corporations. The activities under this section must**  
 30        **include at least the following within or among any of the programs**  
 31        **or systems described in section 3 of this chapter:**

- 32            (1) **Identifying the various criteria to be used at both the state**  
 33            **and school corporation levels to determine the existence of**  
 34            **disproportionality.**  
 35            (2) **Developing a notification process for school corporations**  
 36            **found to have disproportionality.**  
 37            (3) **Creating guidelines to assist school corporations described**  
 38            **in subdivision (2) to eliminate the disproportionality through**  
 39            **the school corporations' strategic and continuous school**  
 40            **improvement and achievement plans under IC 20-31-5,**  
 41            **including guidelines concerning technical assistance in**  
 42            **meeting targets to reduce disproportionality within a**

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reasonable amount of time.  
**(4) Developing and disseminating an annual report on the extent of disproportionality at the state and school corporation levels.**

**Sec. 7. (a) The office shall develop and disseminate information to school corporations, parents, and the public concerning disproportionality, including information concerning at least the following:**

- (1) The influence or lack of influence of poverty.**
- (2) Unequal educational opportunities.**
- (3) Decisionmaking processes that result in unequal outcomes.**
- (4) Cultural factors.**

**(b) The office may disseminate information as the office considers appropriate through Internet based sources and links.**

**Sec. 8. The office shall work with Indiana colleges and universities and any other research institutions in Indiana to engage in ongoing research to:**

- (1) improve methods of describing existing inequity and disproportionality;**
- (2) gain further understanding as to why disproportionality exists; and**
- (3) develop effective and evidence based procedures to reduce and eliminate disproportionality.**

**SECTION 2. IC 20-31-5-4, AS ADDED BY P.L.1-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) A plan must:**

- (1) state objectives for a three (3) year period; and**
- (2) be annually reviewed and revised to accomplish the achievement objectives of the school.**

**(b) A plan must establish objectives for the school to achieve. These achievement objectives must be consistent with academic standards and include improvement in at least the following areas:**

- (1) Attendance rate.**
- (2) The percentage of students meeting academic standards under the ISTEP program (IC 20-31-3 and IC 20-32-5).**
- (3) For a secondary school, graduation rate.**

**(4) Any disproportionality identified under IC 20-19-6-6.**

**(c) A plan must address the learning needs of all students, including programs and services for exceptional learners.**

**(d) A plan must specify how and to what extent the school expects to make continuous improvement in all areas of the education system where results are measured by setting benchmarks for progress on an**

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1 individual school basis.  
2 (e) A plan must note specific areas where improvement is needed  
3 immediately.  
4 SECTION 3. [EFFECTIVE UPON PASSAGE] (a) **The state**  
5 **superintendent of public instruction shall create a new associate**  
6 **superintendent position within the department of education to**  
7 **administer the office of educational equity established by**  
8 **IC 20-19-6-3, as added by this act.**  
9 (b) **The state superintendent of public instruction shall appoint**  
10 **the initial individual to fill the position described under this**  
11 **SECTION not later than September 1, 2012.**  
12 (c) **This SECTION expires January 1, 2013.**  
13 SECTION 4. **An emergency is declared for this act.**

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