



January 27, 2012

SENATE BILL No. 384

DIGEST OF SB 384 (Updated January 25, 2012 8:07 pm - DI 116)

Citations Affected: IC 20-19; IC 20-20; IC 20-26; IC 20-31; IC 21-12.

Synopsis: School accreditation. Makes various changes, beginning in 2013, to the manner in which a school may be accredited under a performance based accreditation system. Provides that a school may be accredited under a performance based accreditation system approved by the Indiana state board of education (state board) or by a national or regional accreditation agency that is approved by the state board. Provides that the state board shall establish: (1) a system for approving agencies or entities that seek to accredit schools in Indiana under this chapter; and (2) a procedure for determining whether a school is making progress toward meeting the criteria for accreditation by a national or regional accreditation agency approved by the state board. Provides that the Indiana department of education (department) shall establish a schedule for verifying compliance with legal standards and shall report noncompliance to the state board. Requires the state board to verify compliance with legal standards and to adopt rules to establish consequences of noncompliance. Requires the department to publish on its Internet web site the accreditation status and legal compliance status of each school and school corporation. Eliminates the probationary accreditation status. Provides that the department shall determine when a school or a school corporation has complied with certain legal standards. Provides that the department may conduct an onsite evaluation of a school or school corporation to make a recommendation to the state board as to the legal compliance status of the school or school corporation. Makes conforming amendments. Makes technical corrections.

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Effective: July 1, 2012.

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January 9, 2012, read first time and referred to Committee on Education and Career Development.
January 26, 2012, reported favorably — Do Pass.

SB 384—LS 6994/DI 116+



January 27, 2012

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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SENATE BILL No. 384

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 20-19-2-8, AS AMENDED BY P.L.145-2011,
2 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2012]: Sec. 8. (a) In addition to any other powers and duties
4 prescribed by law, the state board shall adopt rules under IC 4-22-2
5 concerning, but not limited to, the following matters:
6 (1) The designation and employment of the employees and
7 consultants necessary for the department. The state board shall fix
8 the compensation of employees of the department, subject to the
9 approval of the budget committee and the governor under
10 IC 4-12-2.
11 (2) The establishment and maintenance of standards and
12 guidelines for media centers, libraries, instructional materials
13 centers, or any other area or system of areas in a school where a
14 full range of information sources, associated equipment, and
15 services from professional media staff are accessible to the school
16 community. With regard to library automation systems, the state
17 board may only adopt rules that meet the standards established by

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- 1 the state library board for library automation systems under
 2 IC 4-23-7.1-11(b).
- 3 (3) The establishment and maintenance of standards for student
 4 personnel and guidance services.
- 5 (4) This subdivision expires December 31, 2011. The
 6 establishment and maintenance of minimum standards for driver
 7 education programs (including classroom instruction and practice
 8 driving) and equipment. Classroom instruction standards
 9 established under this subdivision must include instruction about:
 10 (A) railroad-highway grade crossing safety; and
 11 (B) the procedure for participation in the human organ donor
 12 program;
 13 and must provide, effective July 1, 2010, that the classroom
 14 instruction may not be provided to a child less than fifteen (15)
 15 years and one hundred eighty (180) days of age.
- 16 (5) The inspection of all public schools in Indiana to determine
 17 the condition of the schools. The state board shall establish
 18 standards governing the accreditation of public schools.
 19 Observance of:
 20 (A) IC 20-31-4 **before July 1, 2013, or IC 20-31-4.5 after**
 21 **June 30, 2013;**
 22 (B) IC 20-28-5-2;
 23 (C) IC 20-28-6-3 through IC 20-28-6-7;
 24 (D) IC 20-28-11.5; and
 25 (E) IC 20-31-3, IC 20-32-4, IC 20-32-5, IC 20-32-6, and
 26 IC 20-32-8;
 27 is a prerequisite to the accreditation of a school. Local public
 28 school officials shall make the reports required of them and
 29 otherwise cooperate with the state board regarding required
 30 inspections. Nonpublic schools may also request the inspection
 31 for classification purposes. Compliance with the building and site
 32 guidelines adopted by the state board is not a prerequisite of
 33 accreditation.
- 34 (6) The distribution of funds and revenues appropriated for the
 35 support of schools in the state.
- 36 (7) The state board may not establish an accreditation system for
 37 nonpublic schools that is less stringent than the accreditation
 38 system for public schools.
- 39 (8) A separate system for recognizing nonpublic schools under
 40 IC 20-19-2-10. Recognition of nonpublic schools under this
 41 subdivision constitutes the system of regulatory standards that
 42 apply to nonpublic schools that seek to qualify for the system of

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1 recognition.

2 (9) The establishment and enforcement of standards and

3 guidelines concerning the safety of students participating in

4 cheerleading activities.

5 (10) Subject to IC 20-28-2, the preparation and licensing of

6 teachers.

7 (b) Before final adoption of any rule, the state board shall make a

8 finding on the estimated fiscal impact that the rule will have on school

9 corporations.

10 SECTION 2. IC 20-20-29-4, AS ADDED BY P.L.1-2005,

11 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

12 JULY 1, 2012]: Sec. 4. A pilot program eligible to be funded under this

13 chapter must include all of the following:

14 (1) School based management models.

15 (2) Parental involvement strategies.

16 (3) Innovative integration of curricula, individualized education

17 programs, nonstandard courses, or textbook adoption in the

18 school improvement plan described under ~~IC 20-31-4-6(6).~~

19 **IC 20-31-4-6(5) before July 1, 2013, or IC 20-31-4.5-7(5) after**

20 **June 30, 2013.**

21 (4) Training for participants to become effective members on

22 school/community improvement councils.

23 SECTION 3. IC 20-26-15-5, AS ADDED BY P.L.1-2005,

24 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

25 JULY 1, 2012]: Sec. 5. Notwithstanding any other law, the operation

26 of the following is suspended for a freeway school corporation or a

27 freeway school if the governing body of the school corporation elects

28 to have the specific statute or rule suspended in the contract:

29 (1) The following statutes and rules concerning curriculum and

30 instructional time:

31 IC 20-30-2-7

32 IC 20-30-5-8

33 IC 20-30-5-9

34 IC 20-30-5-11

35 511 IAC 6-7-6

36 ~~511 IAC 6.1-3-4~~

37 511 IAC 6.1-5-0.5

38 511 IAC 6.1-5-1

39 511 IAC 6.1-5-2.5

40 511 IAC 6.1-5-3.5

41 511 IAC 6.1-5-4.

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

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- 1 511 IAC 6.1-4-1.
 2 (3) The following statutes and rules concerning textbooks:
 3 ~~IC 20-20-5-1 through IC 20-20-5-4~~
 4 ~~IC 20-20-5-23~~
 5 IC 20-26-12-24
 6 IC 20-26-12-26
 7 ~~IC 20-26-12-28~~
 8 IC 20-26-12-1
 9 IC 20-26-12-2
 10 511 IAC 6.1-5-5.
 11 (4) 511 IAC 6-7, concerning graduation requirements.
 12 (5) IC 20-31-4 **before July 1, 2013, or IC 20-31-4.5 after June**
 13 **30, 2013**, concerning the performance based accreditation system.
 14 (6) IC 20-32-5, concerning the ISTEP program established under
 15 IC 20-32-5-15, if an alternative locally adopted assessment
 16 program is adopted under section 6(7) of this chapter.
 17 SECTION 4. IC 20-31-4-18 IS ADDED TO THE INDIANA CODE
 18 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 19 1, 2012]: **Sec. 18. This chapter expires July 1, 2013.**
 20 SECTION 5. IC 20-31-4.5 IS ADDED TO THE INDIANA CODE
 21 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2012]:
 23 **Chapter 4.5. Performance Based Accreditation**
 24 **Sec. 1. This chapter applies after June 30, 2013.**
 25 **Sec. 2. As used in this chapter, "legal standards" means Indiana**
 26 **statutes and rules adopted by the state board that apply to each**
 27 **school.**
 28 **Sec. 3. (a) A school in Indiana may be accredited:**
 29 **(1) under a performance based accreditation system approved**
 30 **by the state board; or**
 31 **(2) by a national or regional accreditation agency that is**
 32 **approved by the state board.**
 33 **(b) The state board shall establish the following:**
 34 **(1) A system for approving agencies or entities that seek to**
 35 **accredit schools in Indiana under this chapter.**
 36 **(2) A procedure for determining whether a school is making**
 37 **progress toward meeting the criteria for accreditation by a**
 38 **national or regional accreditation agency approved by the**
 39 **state board.**
 40 **(c) The department shall establish a schedule for verifying**
 41 **compliance with legal standards under section 7 this chapter and**
 42 **shall report noncompliance to the state board.**

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1 (d) The state board shall verify compliance with legal standards
2 and shall adopt rules to establish consequences for noncompliance.
3 Consequences for failure to comply with legal standards may
4 include but are not limited to compliance reports to the board,
5 withholding of state tuition support payments, or other actions
6 considered appropriate by the board to facilitate compliance with
7 the legal standards.

8 (e) The department shall establish a schedule for accreditation
9 by approved agencies or entities under subsection (b).

10 (f) The department shall publish on its Internet web site the
11 accreditation status and legal compliance status of each school and
12 school corporation.

13 Sec. 4. The state board shall recognize the following
14 accreditation levels:

- 15 (1) Full accreditation status.
- 16 (2) Not fully accredited.

17 Sec. 5. (a) When all the schools in a school corporation achieve
18 full accreditation status, the department shall recognize full
19 accreditation status of the school corporation.

20 (b) When a school has received accreditation from an
21 accrediting agency approved by the state board, the department
22 shall recognize the full accreditation status of the school.

23 Sec. 6. The state board shall determine which of the benchmarks
24 and indicators of performance listed in IC 20-20-8-8 are
25 appropriate benchmarks to be followed by an accrediting agency
26 when accrediting schools.

27 Sec. 7. The department shall determine whether a school and a
28 school corporation have complied with the following legal
29 standards:

- 30 (1) Health and safety requirements.
- 31 (2) Minimum time requirements for school activity.
- 32 (3) Curriculum offerings.
- 33 (4) Development and implementation of a staff evaluation
34 plan under IC 20-28-11.5.
- 35 (5) Completion of a school improvement plan that complies
36 with requirements developed by the state board and:
37 (A) focuses on student academic performance and growth;
38 and
39 (B) is consistent with metrics for improvement.
- 40 (6) Local salary scale under IC 20-28-9-1.

41 Sec. 8. (a) If the department verifies that a school or a school
42 corporation has not complied with all the legal standards under

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1 section 7 of this chapter, the department may conduct an onsite
 2 evaluation of the school or school corporation to make a
 3 recommendation to the state board as to the legal compliance
 4 status of the school or school corporation.

5 (b) The department may not publish or otherwise make
 6 available for public inspection any information concerning a
 7 school's compliance with legal standards under section 7 of this
 8 chapter, the meeting of performance expectations under section 6
 9 of this chapter, the assignment of an onsite review panel by the
 10 department under this section, or the recommended accreditation
 11 status of the school until all onsite reviews have taken place and
 12 recommendations to the state board concerning the accreditation
 13 status of the school have been made.

14 **Sec. 9. During its onsite evaluation, the department shall verify**
 15 **compliance with the legal standards for accreditation under section**
 16 **7 of this chapter.**

17 **Sec. 10. Upon receipt of the department's recommendation**
 18 **under section 8 of this chapter, the state board shall compel the**
 19 **school's or school corporation's compliance with legal standards.**
 20 **If a school or school corporation refuses to come into compliance,**
 21 **it shall be recognized as not fully accredited.**

22 **Sec. 11. The state board shall adopt rules under IC 4-22-2**
 23 **necessary to implement this chapter.**

24 SECTION 6. IC 21-12-6-5, AS AMENDED BY P.L.169-2011,
 25 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2012]: Sec. 5. (a) To qualify to participate in the program, a
 27 student must meet the following requirements:

28 (1) Be a resident of Indiana.

29 (2) Be:

30 (A) enrolled in grade 7 or 8 at a:

31 (i) public school; or

32 (ii) nonpublic school that is accredited either by the state
 33 board of education or by a national or regional accrediting
 34 agency whose accreditation is accepted as a school
 35 improvement plan under IC 20-31-4-2 **before July 1, 2013,**
 36 **or IC 20-31-4.5-3 after June 30, 2013;** or

37 (B) otherwise qualified under the rules of the commission that
 38 are adopted under IC 21-11-9-4 to include students who are in
 39 grades other than grade 8 as eligible students.

40 (3) Be a member of a household with an annual income of not
 41 more than the amount required for the individual to qualify for
 42 free or reduced priced lunches under the national school lunch

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1 program, as determined for the immediately preceding taxable
2 year for the household.

3 (4) Agree, in writing, together with the student's custodial parents
4 or guardian, that the student will:

5 (A) graduate from a secondary school located in Indiana that
6 meets the admission criteria of an eligible institution;

7 (B) not illegally use controlled substances (as defined in
8 IC 35-48-1-9);

9 (C) not commit a crime or an infraction described in
10 IC 9-30-5;

11 (D) not commit any other crime or delinquent act (as described
12 in IC 31-37-1-2 or IC 31-37-2-2 through IC 31-37-2-5 (or
13 IC 31-6-4-1(a)(1) through IC 31-6-4-1(a)(5) before their
14 repeal));

15 (E) timely apply, when the eligible student is a senior in high
16 school:

17 (i) for admission to an eligible institution; and

18 (ii) for any federal and state student financial assistance
19 available to the eligible student to attend an eligible
20 institution;

21 (F) achieve a cumulative grade point average upon graduation
22 of:

23 (i) at least 2.0, if the student graduates from high school
24 before July 1, 2014; and

25 (ii) at least 2.5, if the student graduates from high school
26 after June 30, 2014;

27 on a 4.0 grading scale (or its equivalent if another grading
28 scale is used) for courses taken during grades 9, 10, 11, and
29 12; and

30 (G) participate in an academic success program required under
31 the rules adopted by the commission and the commission for
32 higher education, if the student initially enrolls in the program
33 after June 30, 2011.

34 (b) A student is also qualified to participate in the program if the
35 student:

36 (1) before or during grade 7 or grade 8, is placed by or with the
37 consent of the department of child services, by a court order, or by
38 a child placing agency in:

39 (A) a foster family home;

40 (B) the home of a relative or other unlicensed caretaker;

41 (C) a child caring institution; or

42 (D) a group home;

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1 (2) agrees in writing, together with the student's caseworker (as
2 defined in IC 31-9-2-11), to the conditions set forth in subsection
3 (a)(4); and
4 (3) except as provided in subdivision (2), otherwise meets the
5 requirements of subsection (a).
6 (c) The commission may require that an applicant apply
7 electronically to participate in the program using an online Internet
8 application on the commission's web site.

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COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill No. 384, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 384 as introduced.)

KRUSE, Chairperson

Committee Vote: Yeas 8, Nays 1.

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