

Second Regular Session 118th General Assembly (2014)

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 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

SENATE ENROLLED ACT No. 91

AN ACT to amend the Indiana Code concerning education.

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

SECTION 1. IC 20-19-2-14.5, AS ADDED BY P.L.286-2013, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14.5. (a) As used in this section:

(1) **"college and career readiness educational standards" means the standards that a high school graduate must meet to obtain the requisite knowledge and skill to transition without remediation to postsecondary education or training, and ultimately into a sustainable career; and**

(1) **"common core standards" refers to educational standards developed for kindergarten through grade 12 by the Common Core State Standards Initiative; and**

(2) **"cut scores" means the scores that define a student's performance on an assessment, including passing, failing, or falling into a performance category.**

(b) ~~Notwithstanding section 14 of this chapter, after May 15, 2013, the state board may take no further actions to implement as standards for the state or direct the department to implement any common core standards developed by the Common Core State Standards Initiative until the state board conducts a comprehensive evaluation of the common core standards as provided in this section. Any common core standards adopted by the state board before May 15, 2013, remain in~~

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effect until the state board adopts educational standards under subsection (c):

(c) (b) Before July 1, 2014, the state board shall adopt **Indiana** college and career readiness educational standards, **voiding the previously adopted set of educational standards**. The educational standards must **do the following**:

- (1) Meet national and international benchmarks for college and career readiness standards and be aligned with postsecondary educational expectations.
- (2) Use the highest standards in the United States.
- (3) Comply with federal standards to receive a flexibility waiver under 20 U.S.C. 7861, as in effect on January 1, 2014.
- (4) Prepare Indiana students for college and career success, including the proper preparation for nationally recognized college entrance examinations such as the ACT and SAT.
- (5) Maintain Indiana sovereignty.
- (6) Provide strict safeguards to protect the confidentiality of student data.

The state board shall implement educational standards that use the common core standards as the base model for academic standards to the extent necessary to comply with federal standards to receive a flexibility waiver under 20 U.S.C. 7861. However, higher academic standards may be adopted that supplement or supplant the common core standards if the higher educational standards would qualify for a flexibility waiver under 20 U.S.C. 7861 because the higher educational standards meet United States Department of Education flexibility waiver requirements that ensure college and career readiness of students:

(d) The educational standards may not be adopted under subsection (c) until:

- (1) the state board has received and considers:
 - (A) the department's evaluation of the common core under subsection (c);
 - (B) the final report of the legislative study committee established under subsection (f);
 - (C) the fiscal impact statement prepared by the office of management and budget under subsection (g); and
- (2) the state board holds at least three (3) public meetings and takes public testimony regarding the adoption of educational standards after the state board has received and considered the information described in subdivision (1).

(e) Before July 1, 2013, the department shall provide a written



evaluation of the common core standards to the:

- (1) governor;
- (2) legislative council;
- (3) state board; and
- (4) chairperson of the legislative study committee established in subsection (f).

The evaluation must be provided in an electronic format as provided under IC 5-14-6.

(f) The legislative council shall establish a legislative study committee to study issues relating to common core standards or other standards. Not later than November 1, 2013, the legislative committee shall submit the committee's final report to the legislative council, governor, department, and state board. The report must:

- (1) compare existing Indiana standards with the common core standards;
- (2) consider best practices in developing and adopting the standards, seeking information from a broad range of sources, including:
 - (A) subject area teachers from elementary and secondary schools in Indiana;
 - (B) subject area instructors and experts from postsecondary educational institutions; and
 - (C) any other standards the study committee considers to be superior standards; and
- (3) evaluate the cost to the state or school corporations associated with implementing Partnership for Assessment of Readiness for College and Careers assessment or the Smarter Balanced assessment by schools.

The legislative study committee shall operate under the policies governing study committees adopted by the legislative council. The study committee shall hold at least three (3) public meetings.

(g) Before September 1, 2013, the office of management and budget established by IC 4-3-22-3, in consultation with the state board, shall provide an opinion concerning the fiscal impact to the state and school corporations if the state board:

- (1) fully implements the common core standards; and
- (2) discontinues the implementation of the common core standards.

The office of management and budget must provide its opinion in an electronic format under IC 5-14-6 to the governor, legislative council, and state board.

(h) (c) The department shall administer ISTEP assessments under



IC 20-32-5 during the 2013-2015 biennium. The state board may not require the use of the Partnership for Assessment of Readiness for College and Careers assessment or the Smarter Balanced assessment by schools until the state board receives and considers the reports received under subsections (e) through (g). This section does not remove academic standards developed or implemented by the state board before July 1, 2013. **During the 2015-2016 school year, subject to subsection (e), the state board shall authorize the department to administer either the ISTEP assessment under IC 20-32-5 or a comparable assessment program that is aligned with the educational standards adopted by the state board under subsection (b).**

(d) Before the state board may authorize an assessment program under subsection (c), the state board shall submit the proposed assessment program to the budget committee for review.

(i) **(e)** This subsection does not apply to an agreement with the United States Department of Education concerning a waiver from federal requirements. After June 30, 2013, the state, or the state board on behalf of the state, may not enter into or renew an agreement with any organization, entity, group, or consortium that requires the state to cede any measure of autonomy or control of education standards and assessments, including cut scores.

(j) **(f)** The state board may adopt emergency rules in the manner provided in IC 4-22-2-37.1 to implement this section. As provided in IC 4-22-2-37.1 for an emergency rule adopted under this section to be effective after one (1) extension period, the rule must be adopted in conformity with the procedures under IC 4-22-2-24 through IC 4-22-2-36.

SECTION 2. An emergency is declared for this act.



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

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