

PERSPECTIVES

ON THE KEY PK-12 EDUCATION LEGISLATION OF 2013

INTRODUCTION

The 2013 session of the 118th Indiana General Assembly adjourned sine die on Saturday, April 27, 2013. The legislature considered over 2,200 bills during the session, many of which addressed education policy and school governance, or were child-related legislation. The following is a summary of 12 key PK-12 education bills that were enacted into law by the legislature. Many other bills were passed by the legislature on a number of public policy topics including PK-12 education, higher education, and child welfare and advocacy. For more information on these laws, go to: www.in.gov/legislative. The acts of legislation included in this report were selected by the Center for Evaluation & Education Policy (CEEP) at Indiana University for their significance and potential long-term impact on the PK-12 education delivery system in Indiana.

A unique feature of this legislative summary is the inclusion of commentary and perspectives from statewide education and advocacy associations on the new laws. Representatives from many associations were invited to share their views concerning the pros and cons of the new laws because of their knowledge and expertise of topics covered by the legislation. These education leaders were generally invited to comment on each new law highlighted in this publication. However, of those who responded, many were selective in which laws they chose to share remarks. The summary also includes the perspectives of Dr. Russ Skiba, Equity Project Director, and Terry Spradlin, Director for Education Policy at CEEP. We hope you find their personal insights beneficial. These comments do not represent, nor are they necessarily endorsed by CEEP.

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COMMENTATORS

Todd Bess, Executive Director of the Indiana Association of School Principals
Frank Bush, Executive Director of the Indiana School Boards Association
Denny Costerison, Executive Director of the Indiana Association of School Business Officials
Paul DiPerna, Research Director at the Friedman Foundation for Educational Choice
Russ Skiba, Director of the Equity Project
Sally Sloan, Executive Director of the AFT Indiana
Vic Smith, Board Member of the Indiana Coalition for Public Education
Terry Spradlin, Director for Education Policy at CEEP
Gail Zeheralis, Public Education Policy Coordinator, Indiana State Teachers Association



PERSPECTIVES

ON THE KEY PK-12 EDUCATION LEGISLATION OF 2013

Senate Bill 001 (PL172)

Title:

School Resource Officers and School Safety

Authors:

Pete Miller, Charbonneau, Arnold, Nugent, Wyss, Hume, Pat Miller, Landske, Randolph*

Sponsors:

Torr, Steuerwald, Lawson, Behning, Burton, Clere, Eberhart, Frizzell, Gutwein, Hamm, Lucas, Morrison*

Effective Date:

July 1, 2013

*Author or sponsor names in bold are the lead author(s)/sponsor(s) of the law and names not in bold text are the co-author(s)/co-sponsor(s) of the law.

Summary

School Resource Officers and School Safety. Specifies how a school resource officer program may be established and sets forth duties and responsibilities for school resource officers. Provides that a person, before being appointed as a school resource officer, must successfully complete the training requirements for law enforcement officers and receive 40 hours of certified school resource officer training. Establishes the Indiana secured school fund (fund) under the administration of the Department of Homeland Security to provide matching grants to enable school corporations and charter schools to establish programs to: (1) employ school resource officers; (2) conduct threat assessments of school buildings; or (3) purchase safety equipment and technology. Creates the Secured School Safety Board to approve or disapprove applications for matching grants from the fund and to develop best practices for school resource officers. Provides that a matching grant from the fund may not exceed the following: (1) \$50,000 per year, in the case of a school corporation or charter school that has an ADM of at least 1,000 and is not applying jointly. (2) \$35,000 per year, in the case of a school corporation or charter school that has an ADM of less than 1,000 and is not applying jointly. (3) \$50,000 per year, in the case of a coalition of schools applying jointly. Provides that in order to receive a matching grant, a school corporation or charter school must be located in a county that has a county school safety commission. Requires a county school safety commission to receive school safety plans. Requires a law enforcement agency to notify a school if a student is apprehended because a law enforcement officer had reasonable grounds to believe the student has a mental illness, is dangerous, and is in need of hospitalization and treatment. Provides that the state shall indemnify a public school against a loss resulting from any injury to a person caused by a school resource officer if the loss was the result of misfeasance, malfeasance, or nonfeasance in connection with the use of the officer's weapon. Provides that the statute regarding possession of a firearm on school property does not apply to a person who may legally possess a firearm and who has been authorized by a school board or body that administers a charter school to carry a firearm in or on school property. Additional provisions included in the law are not summarized here. See the General Assembly website for more information.

Commentary

Todd Bess: *IASP supported the concept of a matching grant program to enable School Resource Officers to be added to a school corporation. This state support is appreciated and allows for each school community to seek resources to support this effort as they deem appropriate.*

Frank Bush: *ISBA supported the introduced version of the bill that provided matching grants for training and procuring School Resource Officers. As the bill wound through the General Assembly maze, it took several turns. But since it does provide matching grants and an interim study committee to assess school safety, the law will be of assistance with this serious societal issue.*

Russ Skiba: *The momentum for SEA 001 was increased considerably by the tragedy at Sandy Hook just before the legislative session. At one point, the bill included a controversial provision, later removed, that every school in the state of Indiana be required to ensure that at least one staff member (a school protection officer) be trained in the use of and carry a weapon on school grounds. What the enrolled act does is increase the availability of school resource officers by establishing a safe schools fund for local schools to support a school resource officer (SRO). Some local schools and police departments have expressed skepticism about whether the funds available will be sufficient to support SRO's in local communities. The bill in its final form was intended to focus solely on external threats to school safety, such as the incident at Sandy Hook. It is encouraging that the bill also calls for an interim study committee studying the improvement of the safety of schools in Indiana. One hopes that the interim study committee can take a broad look at the types of comprehensive and coordinated programs that schools need to develop safe and healthy school climates that address both external and internal threats to school safety.*



PERSPECTIVES

ON THE KEY PK-12 EDUCATION LEGISLATION OF 2013

Senate Bill 338 (PL246)

Title:
Absenteeism; School Improvement Plans

Authors:
Kruse, Yoder

Sponsors:
Behning, Porter, Rhoads, V. Smith

Effective Date:
 July 1, 2013;
 July 1, 2014

Summary

Absenteeism; School Improvement Plans. Refers issues related to absenteeism to the Commission On Education Study Committee. Requires the Department of Education to provide resources and guidance to school corporations concerning evidence-based practices and effective strategies to reduce absenteeism. Makes changes to the definition of: (1) chronic absenteeism; and (2) habitual truant. Requires school corporations and schools to identify contributing factors to absenteeism and to develop chronic absence reduction plans. Provides that a school corporation must include the number of students who are habitually truant in the school corporation's annual performance report. Provides that a school that is designated in the top category or designation of school improvement in the year immediately preceding a year in which the school's strategic and continuous school improvement plan (plan) initially goes into effect is not required to include certain achievement objectives or components in the school's plan. Makes conforming amendments. Additional provisions included in the law are not summarized here. See the General Assembly website for more information.

Commentary

Frank Bush: *The Association supported the interim study committee for the bill because there are too many entanglements to enact all-encompassing public policy on the issue.*

Terry Spradlin: *CEEP conducted extensive research in 2011 and publicly reported its findings in 2012 on the prevalence of chronic absenteeism in Indiana. The study was commissioned by the Indiana Partnership Center with funding support from USA Funds and State Farm Insurance. Chronic absenteeism in Indiana, like in other states, is masked by the appearance of a high Average Daily Attendance rate of approximately 96% statewide. However, 221 schools had an ADA rate of less than 95% over the 7-year period, a rate that indicates a significant number of students may be chronically absent. Chronic absenteeism is a highly accurate early warning sign of academic trouble and has comparable (detrimental) achievement effects on students of all income levels, races/ethnicities, and ages, regardless of locality/zip code. Attendance levels are a strong predictor of graduation rates. Nearly 88% of high school students in the Class of 2010 with good attendance (missing five or fewer days) graduated compared to 24% of those missing 18 or more days a year in high school. Attendance impacts student achievement on ISTEP+ regardless of income level. As early as Grade 3, chronic absence is consistently associated with lower test scores. For example, students who are chronically absent in Grades K-2 scored nearly 50 scale score points lower in math and 40 points lower in ELA on ISTEP+ in Grade 3 than students with exemplary attendance rates (97.5% or better). An average of 55,264 students were chronically absent annually between the 2008-09 to 2010-11 school years. Overall, SEA 338 achieves the objectives of properly defining "chronic absence" and "habitual truancy" in statute, having the chronic absence rate reported and monitored via the Annual School Corporation Performance Reports, and including chronic absence reduction plans in the school improvement plans. If we more accurately report and monitor attendance and absenteeism, schools can be proactive with intervention and evidence-based strategies to support students (especially in early grades) before they fall too far behind.*



PERSPECTIVES

ON THE KEY PK-12 EDUCATION LEGISLATION OF 2013

Senate Bill 352 (PL190)

Title:
School Policies on Gang Activities

Authors:
Hershman, Buck, Rogers, Randolph, Merritt, Kruse, Alting

Sponsors:
Truitt, Klinker, Morris

Effective Date:
 July 1, 2013

Summary

School Policies On Gang Activities. Allows the Indiana safe schools fund to be used to provide educational outreach and training to school personnel concerning the identification and prevention of, and intervention in, criminal gang activity. Requires the Indiana Department of Education (department) to develop model educational materials and a model policy concerning criminal gang activity. Requires the department, in collaboration with certain other agencies and organizations with expertise in criminal gang education, prevention, and intervention, to identify or develop model education materials and develop a model policy to address criminal gangs and criminal gang activity in schools. Requires the governing body of each school corporation to develop and maintain a criminal gang policy. Requires each school corporation to develop: (1) an educational criminal gang awareness program for students, school employees, and parents; and (2) a school employee development program to provide training to school employees in the implementation of the school corporation's criminal gang policy. Requires, beginning in 2017 and each year thereafter, each school corporation to submit a report to the department outlining the activities undertaken by the school corporation to address criminal gang activity. Requires, beginning in 2017 and each year thereafter, the department to submit a report to the governor and the General Assembly regarding criminal gang activities in schools. Requires a school employee to report any incidence of suspected criminal gang activity, criminal gang intimidation, or criminal gang recruitment to the principal and the school safety specialist. Requires the state police department to conduct an assessment to map gang activity and identify existing services and programs and to report the results to the department by July 1, 2014. Makes a technical correction. Additional provisions included in the law are not summarized here. See the General Assembly website for more information.

Commentary

Todd Bess: *IASP understands the need for this legislation and how it can assist a uniform approach to gang and criminal activity that may exist within each school. Educating staff on this issue will help create an awareness of the issue and also how best to respond as a school. This legislation should apply to all schools receiving public funds as we work state-wide to impact the safety of all students.*

Frank Bush: *Even though SEA 352 has numerous mandates included, the Association supported the bill because it strives to address a serious societal issue. Gangs are not just inner-city problems. They are having a negative impact in many communities and the law encourages and allows a joint community effort from various agencies to adopt procedures for handling gang activity. The law may not eradicate the issue but it possibly may erode gang effectiveness in the future.*



PERSPECTIVES

ON THE KEY PK-12 EDUCATION LEGISLATION OF 2013

Senate Bill 422 (PL127)

Title:
Family Friendly School Designation

Authors:
Rogers, Kruse, Banks

Sponsors:
Behning, V. Smith

Effective Date:
July 1, 2013

Summary

Family Friendly School Designation. Establishes the Indiana family friendly school designation program. Requires the Department of Education (department), in consultation with statewide organizations that link family engagement to student achievement, to develop the program and make available to schools best practices in developing family engagement and parental involvement. Provides that a school may voluntarily request an assessment by the department of parental involvement in the school. Provides that the department may designate a school as a family friendly school if the department determines that the school has established parental engagement practices that increase parental involvement and foster high student achievement.

Commentary

Todd Bess: *This bill recognizes the added value that efforts to be “Family Friendly” make upon a school climate. This voluntary program is also one that can further inform the community as to the people who make up the school and their efforts to create a welcoming environment for students and parents.*

Gail Zeheralis: *A school may voluntarily request to be assessed by the DOE to determine whether the school can be designated as “family friendly.”*

While a simple concept, ISTA applauds the legislators who brought this measure forward.

Among its attributes, the bill:

- (1) requires collaboration between the DOE and other organizations that understand there is a link between family engagement and parental involvement to student achievement;*
- (2) requires the program to highlight best practices to assist schools in improving family engagement and parental involvement;*
- (3) gives schools something other than standardized test benchmarks to measure themselves by;*
- (4) ensures that the program is voluntary.*



PERSPECTIVES

ON THE KEY PK-12 EDUCATION LEGISLATION OF 2013

Senate Bill 517 (PL257)

Title:
Local Government Finance

Authors:
Kruse, Buck, Schneider,
Yoder, Broden

Sponsors:
Behning, Rhoads, V. Smith,
Porter

Effective Date:
Multiple effective dates,
including retroactive dates

Summary

Local government finance. Specifies that an eligible school corporation may adopt a resolution before January 1, 2014, to use certain debt restructuring statutes. Permits a school corporation to make a transfer from its general fund to its transportation fund or school bus replacement fund if more than 75% of its transportation fund levy or bus replacement fund levy is lost due to: (1) the application of the circuit breaker credit; plus (2) the tax allocations made to protect taxes that are protected from the circuit breaker credit. Limits the general fund transfer to 50% of the revenue lost by the impacted fund. Provides that in the case of a school corporation designated after June 30, 2013, as distressed by the Distressed Unit Appeal Board (board) upon submission of a petition by the school corporation requesting the designation, the board shall appoint an emergency manager for the school corporation. (Under current law, the board is required to appoint an emergency manager for each political subdivision, other than a school corporation, that is designated as distressed.) Allows the board to approve a petition submitted jointly by the governing body and the superintendent of a school corporation requesting authority to transfer before July 1, 2015, excess funds in the school corporation's debt service fund to the school corporation's transportation fund. Allows a school corporation in LaPorte County to exchange real property for services provided by another governmental agency. Urges the legislative council to assign to an interim study committee the study of the budgeting process for political subdivisions. Allows various taxing units to adjust levies and borrow money to offset a levy reduction. Additional provisions included in the law are not summarized here. See the General Assembly website for more information.

Commentary

Denny Costerison: SEA 517 was the only bill during the session that dealt with the loss of revenue due to the property tax caps (circuit breaker losses). The 2012 law regarding "protected taxes" would provide a financial hardship in 2013 on numerous school corporations regarding their Transportation Fund, Capital Projects Fund, and School Bus Replacement Fund. A study performed by the Legislative Services Agency showed that 46 corporations would lose at least 20% of the funding for these three funds. Fourteen would lose at least 50% of their funding. The final bill provided a one-year reprieve from the implementation of the "protected taxes" provision. SEA 517 also creates an interim study committee to review the budgeting procedures of political subdivisions, including the review of the impact of circuit breaker losses. Indiana ASBO supported SEA 517, and looks forward to working with the study committee to find remedies for those school corporations impacted severely by circuit breaker losses.



PERSPECTIVES

ON THE KEY PK-12 EDUCATION LEGISLATION OF 2013

House Bill 1001 (PL205)

Title:
State Biennial Budget

Authors:
T. Brown, G. Porter, E. Turner

Sponsors:
L. Kenley, K. Tallian

Effective Date:
Multiple effective dates,
including retroactive dates

Summary

State Biennial Budget. Provides for a statewide 2% increase in tuition support in FY '14 and 1% in FY '15 in the school funding formula. Increases the funding of the Core 40 with Academic Honors funding in the formula from \$900/student to \$1,000/student who completes this diploma. Changes the calendar for the distribution of state monies for the formula from a calendar year cycle to a fiscal year basis beginning on July 1, 2013. The Transition to Foundation cycle will continue to five and then a four year window for all school corporations to be at this funding level per student in the Basic Grant component of the formula. Provides that the Office of Management and Budget may not consider a balance in the state tuition reserve fund when calculating the amount of state reserves at the end of a state fiscal year for purposes of the automatic taxpayer refund. Increases the annual cap on school scholarship tax credits to \$7,500,000. Increases the total amount of school scholarship tax credits that may be awarded in a state fiscal year. Authorizes transfers from the state tuition reserve to the state general fund if the budget director, after review by the budget committee, makes a determination that the amount of the distribution for that state fiscal year for basic tuition support has been reduced because the amount of the distributions for the state fiscal year for choice scholarships has exceeded the estimated amount of the distributions for choice scholarships. Provides that such a transfer may not exceed \$25,000,000 per state fiscal year. Specifies that the amounts transferred shall be used to augment the appropriation for state tuition support and shall be distributed to school corporations to restore the distributions for basic tuition support that have been reduced. Provides that if the State Board of Education determines that the Indianapolis Public School Corporation or any other school corporation is entitled to a distribution to correct the amount that was withheld during July through December 2012 from state tuition support and federal funds otherwise to be distributed to the school corporation under the turnaround academy statute, the state board receives an appropriation of \$7,405,892 to make corrected distributions. Requires the recipient school corporation to dismiss and not pursue any claims against the state, the special management team, or the turnaround academy with regard to distributions. Establishes the science, technology, engineering, and mathematics teacher recruitment fund. Establishes the high need fields and minority student teacher stipend programs. Requires the auditor of state to transfer \$150,000,000 to the tuition reserve fund on July 1, 2013, and on July 1, 2014. Additional provisions included in the law are not summarized here. See the General Assembly website for more information.

Commentary

Frank Bush: *The 2014-2015 biennium budget has appropriated almost \$6.7B dollars for education each year of the biennium, which has been projected as a 2% and 1% statewide average increase for schools. However, when the transition to the Foundation funding level is calculated and the charter schools and vouchers funding are subtracted, several public schools are receiving less than the statewide average. Therefore, because public schools, in general, did not receive funding to protect against inflationary increases, the biennium expenditures will most likely not be able to be afforded without previous year budget adjustments. It is unfortunate that the state chose to repay the Common School Fund for the Charter Schools start-up dollars rather than using the funds to allot public schools more revenue that would have at least assisted with an increase to offset inflation. Hopefully the state revenue growth of \$290M estimated going forward will be achieved and the policymakers can assist public schools with more revenue in the second year of the biennium.*

Denny Costerison: *The state's biennial budget, HEA 1001, contains numerous provisions pertaining to K-12 public education. The school distribution formula was revised in several ways, and IASBO was involved with the discussions on these issues throughout the session. First, the distribution of tuition support will be on a fiscal year basis beginning on July 1, 2013. In the past, state support has always been distributed on a calendar year basis. Secondly, two ADM counts will be used (September and February) to determine the funding for schools. This will enhance the philosophy of "money following the child". In FY '15, free textbooks will be the beginning factor for the calculation of the complexity index rather than free and reduced lunch counts. The primetime calculation has been eliminated from the formula with the funding being rolled into previous year revenue. Lastly, the full-day kindergarten grant continues to be a grant program, but is added to tuition support and will now be distributed on a monthly basis.*

(Denny Costerison commentary continued on next page)

(Commentary of Denny Costerison – continued from previous page)

Indiana ASBO appreciates that, after four years of cuts and essentially no increases in tuition support for the public schools, HEA 1001 does provide increases for FY '14 and FY '15. For FY '14, the increase is a statewide average of 2.0%. The concern that IASBO brought forward at the end of the session was the overall funding for FY '15. The statewide increase is 1.0% with an increase in dollars per ADM of only 0.5%. This is an increase that is less than the predicted inflationary amount for FY '15. IASBO had requested that the statewide percentage increase for both years of the biennium be 2%. Other key issues in HEA 1001 are:

- In FY '15, \$30 million is added for performance award grants that will be provided to effective and highly effective teachers.
- \$20 million is added to the budget to fund school resource officers (SEA 1).
- \$300 million is appropriated over the biennium for the tuition reserve fund.
- \$91.2 million is set aside to repay the Common School Fund for outstanding charter school loans.
- A provision was added to safeguard public school funding if the expansion of the voucher program causes a shortfall in the tuition support formula appropriation.
- The elementary voucher amount was increased from \$4,500 to \$4,700 in FY '14 (+4.4%) and to \$4,800 in FY '15 (+2.1%).

Sally Sloan: The 2% and 1% increases provided in school funding for the biennium are insufficient to fund most schools adequately. Because the bill increases voucher caps from \$4,500 to \$4,700 in the first year of the budget and to \$4,800 in the second year, anticipate that move to add \$800,000 to the budget.

Scholarship Granting Organizations (SGOs) received an increase in the amount of scholarship tax credits from \$5,000,000 to \$7,500,000. Siblings of students who have received the SGO for a minimum of \$500 now qualify to go directly to vouchers effectively increasing the number of vouchers that Indiana can give.

The less than adequate increases coupled with increases in voucher dollar amounts, opening enrollment to children never counted in public schools ADMs, and lower state income due to increases in SGO tax credits all severely impact public schools, diminishing their ability to work effectively, let alone to compete with private, voucher-receiving schools.

In the final version of the budget bill is language that provides that a holder of a Bachelor's degree, not even one in education, can now become a teacher by passing a written subject area test. This change to teacher licensing was presented in REPA II (Rules for Educator Preparation and Accountability) that were promulgated before the State Board of Education in 2012. During hearings for the rule change, the majority of those speaking opposed the watering down of teacher preparation, believing that REPA II would diminish our profession and discourage the best and brightest from going into the teaching profession. Nonetheless, the Board passed the new REPA II. Legislators reinforced the changes by making them law. The new language eliminates the need to meet a 2.5 GPA or a 3.0 GPA if the recent college graduate can pass a content area exam in the subject area that the individual intends to teach. Sending people into classrooms without pedagogy, without student teaching, without preparation is an experiment with student lives.

"Teacher licensing in the budget bill?" I have to ask myself. As I look at it, maybe since it's so easy to fire teachers, and since raises are dependent upon ratings, budgets can be managed on the backs of teachers by keeping their salary low and their service limited.

Vic Smith: The budget increases (2% in FY '14 and 1% in FY '15) for tuition support, when viewed in the context of the past eight budgets, were truly anemic. This is the first time in the eight budgets (16 years) when funding increases did not exceed 2%, except for the budgets of 2009 and 2011 when the Great Recession controlled the agenda. Despite large revenue surpluses available, the 1% increase in the second year of the biennium did not even reach the 1.6% cost of living increase cited in the budget forecast. The strong push to expand vouchers appears to have been accompanied by a lower priority and diminished interest in funding public schools.

Gail Zeheralis: Despite a promising April revenue forecast, the enacted version of the budget bill did not budge on the school funding formula statewide average increases that the House and Senate separately offered earlier in the session. Specifically, the formula ended up offering 2% in FY '14 and 1% in FY '15 on a statewide average increase basis.

(Gail Zeheralis commentary continued on next page)

(Commentary of Gail Zeheralis – continued from previous page)

Indiana’s revenue forecasters noted that inflation will likely hover at 1.6% each year so it is likely that for most school districts, the funding seen in HEA 1001 will not keep pace.

The practical effects of the formula increases are that 40% of Indiana’s school districts are projected to receive less money in 2014 than they received in 2013, 63% are projected to receive funding under the inflation rate during the same period, and 27% of Indiana’s school districts are projected to receive fewer per-pupil dollars in 2014 than 2013. These are significant dynamics. Couple this with the changes within the formula, particularly with regard to the calculation for the complexity index, and it is easy to see that many public school districts will continue to experience a tight fiscal environment.

At the same time, the K-8 private school voucher amount is projected to increase by over 4% in FY ‘14 and another 2%+ in FY ‘15.

Virtual school funding increased from 87.5% of tuition support per ADM to 90%, equating to a 14% increase in funding.

Charter school start-up loans were forgiven by the state, amounting to \$91 million in charter school relief (note: 1% added to the public school funding formula requires \$64 million).

In the second year of the biennium, the budget bill appropriates \$30 million for teacher cash awards available to highly effective and effective teachers in the higher-performing school districts and another \$2 million each year of the biennium for highly effective and effective teachers who work in schools in the bottom two performance categories. The combined appropriations equate to 0.5% if these funds had been a part of the formula—but, of course, these are not “formula” funds and will not attach to every teacher. ISTA does note that the bill specifically does require that these funds become cash awards to teachers and cannot be diverted for other purposes.

Full-day kindergarten becomes a student-count driven “add-on” to the funding formula, guaranteeing districts \$2,448 and \$2,472 in the first and second years of the biennium. Indiana has taken one step closer to fully funded FDK.

A chief concern that will continue to plague Indiana’s ability to fund its community-based public schools is the continued co-mingling of funding for each of the 4 “school systems” to which Indiana has now committed itself: (1) its community-based public schools (traditional public schools); (2) its public charter schools; (3) virtual education; and (4) private/parochial vouchers.

With the new expansion of private school vouchers seen in both HEA 1001 and HEA 1003, it is simply impossible to predict the growing degree to which vouchers will impact public education funding down the road.

To a degree, the budget bill attempts to address this by suggesting that the state will offer an additional \$25 million each year of the biennium should the budget leaders determine that the expansion of the voucher program would result in reduced tuition support to public schools.

Taken to the ultimate end, Indiana could potentially reach a point in the future where it is funding 1.1 million students (adding new voucher and virtual education students to the rolls). There will be a significant amount of catching up to do with regard to the available revenue for K-12 education if and when this occurs.

REPA II Language appears in Budget Bill as session ends:

HEA 1001 rescues the State Board of Education with regard to its REPA II past “misfires” and opens up another avenue for entry into the profession of teaching without requiring pedagogical training.

New language is included in the budget (not heard in a committee or under a bill) that amends the transition to teaching law by specifically enabling an individual with:

- (1) a bachelor’s degree from an accredited postsecondary institution; and*
- (2) proof that the individual passed “the state approved” content area exam in the subject area that the individual intends to teach*

to participate in the Transition to Teaching program and be licensed to teach in Indiana. (Current law would have required certain minimal GPA threshold levels, a degree of professional experience, or a graduate degree). HEA 1001 further states that rules may not be adopted that would require there be a shortage of other licensed teachers for the school board or a charter school or the appointing authority of an accredited nonpublic school to employ a transition to teaching participant nor can there be rules adopted that set forth requirements in addition to what the statute provides.



PERSPECTIVES

ON THE KEY PK-12 EDUCATION LEGISLATION OF 2013

House Bill 1003 (PL211)

Title:
Nonpublic School Scholarships

Authors:
Behning, Huston, DeVon

Sponsors:
Eckerty, Yoder, Kruse, Leising

Effective Date:
 Multiple effective dates, including retroactive dates

Summary

Nonpublic School Scholarships. Provides that a taxpayer may carry forward a school scholarship income tax credit for a taxable year that begins after December 31, 2012. Specifies eligibility standards for choice scholarships. Makes various administrative changes to the choice scholarship program. Removes a provision that allows the Department of Education to make only a partial choice scholarship grant. Provides that an eligible choice scholarship student is eligible to receive as part of the choice scholarship any applicable amount that a school corporation (in which the student has legal settlement) would receive for a student as part of a special education grant. Provides that a public school is not required to make available special education and related services to an eligible choice scholarship student who receives special education funding as part of the choice scholarship. Provides that a school corporation may not include in its special education grant count an eligible choice scholarship student who receives an amount related to special education as part of a choice scholarship. Requires the State Board of Education to adopt rules, including emergency rules, for the provision of special education or related services to an eligible choice scholarship student who receives special education funds as part of the choice scholarship. Provides that the choice scholarship shall be distributed each semester during the school year. Amends the definition of "eligible student" for purposes of the statutes concerning scholarship granting organizations. Provides that the legislative council shall assign certain topics to the commission on education interim study committee. Makes conforming amendments.

Commentary

Todd Bess: *This expansion of the voucher program carries with it far-reaching implications. The inclusion of vouchers for students who are in the attendance zones of "F" schools, and "D" schools when HB 1001 expanded the definition, is certain to provide numerous scholarship opportunities, even if the child has never attended the low-performing school. The line that was drawn that a child should attend at least one year of public school was further blurred when siblings of voucher students may receive a voucher without attending the one year of public school. IASP is hopeful that the study committee in the summer of 2013 begins to examine the financial and political implications of continued expansion of the voucher program.*

Frank Bush: *The Association directly and continuously lobbied against the expansion of vouchers. Indiana has only had the program enacted since 2011 and there has not been enough time to assess the participation impact on the public schools. But it is projected that the expansion of vouchers will be costly and will eventually reduce public school revenue more than the initial program because of the permission for multiple student categories to apply for and receive a voucher. This is particularly troubling in a time when even more is expected of public school services.*

Paul DiPerna: *In 2013, Indiana bolstered its reputation as a school choice leader nationwide by broadening its voucher and tax credit scholarship programs. The legislature expanded eligibility in four main areas: waiving the "prior-year public school" requirement for income-eligible children assigned to "F"-graded public schools; allowing more students with special needs to receive a voucher because of a new a household income threshold (200% of Free and Reduced-Price Lunch); making siblings of current voucher and tax-credit scholarship students eligible to participate; and permitting tax-credit scholarship students to transfer into the voucher program, should a student choose to do so. Allowing all private school students to apply for tax-credit scholarships (while meeting income eligibility requirements) is another significant boost. There are also solid, practical improvements toward the processing of scholarship applications and shortening the time it should take to notify families of administrative decisions.*

Expanded eligibility will afford more families greater flexibility in meeting their children's needs. As additional students participate in these programs, increased competition among local schools—public and private—will bring more efficiency and effectiveness to Indiana's educational environment. And as demand grows and funding parity improves between vouchers/scholarships and public schools, new school providers will enter the market, further diversifying Indiana's learning landscape.

Vic Smith: *With the expansion in HB 1003, vouchers no longer save the state money. It gives vouchers to thousands of siblings and special education students who have always attended private schools, creating a new fiscal cost to the state greater than state funding for summer school and school technology combined. This new benefit for private school parents forced budget makers to start an unprecedented \$25 million back-up fund to pay for vouchers and protect the foundation support for public schools. There is no way to predict whether \$25 million will be enough or whether pro-rata reductions to public and charter schools will be required. HB 1003 also distributes vouchers to F schools using a failed A-F system which has lost the confidence of the general public and was voided by the General Assembly.*

Sally Sloan: *Proponents of vouchers and privatization of public schools, and others with ALEC ideologies, are most likely rejoicing at the most expansive voucher laws in the nation.*

In this bill, a 50% tax credit is given to any individual or corporation who gives money to a Scholarship Granting Organization (SGO). This credit can be carried over for nine years.

Children with an IEP or a service plan (511 IAC 7-34 – appears to be the private school version of an IEP) and an annual household income of not more than 200% of what qualifies for Free and Reduced Lunch can get a voucher. Children living in a district with a failing school—whether they have attended that school or not, and even if they went to private school last year—these children can get a voucher if their annual household's income is 150% of Free and Reduced Lunch qualification. If the household income goes up, they still can keep the vouchers. The bill also provides that if a brother or sister got an SGO scholarship last year, they qualify for a voucher!

Gail Zeheralis: *HEA 1003 is intrinsically related to HEA 1001. Since the Indiana Supreme Court determined that Indiana's voucher program is constitutional (unlike the recent Louisiana Supreme Court decision that unequivocally deemed the Louisiana voucher plan as unconstitutional) the issues surrounding Indiana's latest government entitlement are mainly fiscal.*

In just about every way possible, the general assembly expanded Indiana's voucher program:

- (1) *The amount of the voucher in HEA 1003 for Grades K-8 remained at \$4,500. However, HEA 1001 (the budget bill) increased the voucher amount from \$4,500 to \$4,700 in year 1 of the biennium and \$4,800 in year 2 of the biennium (a 4% increase in year 1 and a 2.12% increase in year 2).*
- (2) *The income eligibility thresholds in HEA 1003 are expanded from the 150% of Free- and Reduced-price Lunch standard to 200% in the following cases:*
 - a. *If the student is a child with a disability*
 - b. *If the family qualified initially based upon the 150% threshold and experienced a growth in income up to 200%*
- (3) *The new groups of students who specifically qualify for a voucher if within the relevant target income guidelines and who are not required to attend a public school first:*
 - a. *Siblings*
 - b. *Children with disabilities*
 - c. *A student who would be required to attend an "F" public school based upon residency*
- (4) *Tax Credit Opportunities through Scholarship Granting Organizations (SGOs):*
 - a. *The bill expands the tax credit opportunities by providing that the credit is a "carry forward" credit, meaning that the taxpayer is entitled to reduce his/her tax liability to the state of Indiana for up to the next nine taxable years based upon a single contribution to an SGO. A taxpayer is also permitted to continue to make annual contributions, essentially ensuring that a taxpayer could transfer all or a part of one's tax liability to the state to SGO's benefitting voucher schools.*
 - b. *The budget bill (HEA 1001) increased the state's overall commitment to permitting annual credits under this program from \$5 million to \$7.5 million per year.*

One could argue that there had been no demonstrated need for such an expansion other than philosophical/political leanings. In the past two years, the number of vouchers claimed did not meet the caps that were in place.

(Gail Zeheralis commentary continued on next page)

(Gail Zeheralis commentary continued from previous page)

Now that the caps are off, coupled with the HEA 1003 expansion, it is impossible to know the degree to which more families will opt for vouchers, but one thing is certain: by legislatively expanding the pool of students, by increasing the voucher amount, by broadening the income eligibility guidelines far beyond Indiana's average income, by removing the requirement for public school enrollment first for new groups of students, and by incenting taxpayers to leverage their respective income tax liabilities in favor of funding scholarships for private schools, the amount of voucher activity is likely to expand. The question remains: will the revenue to fund these systems grow in line with the vouchers?



PERSPECTIVES

ON THE KEY PK-12 EDUCATION LEGISLATION OF 2013

House Bill 1005 (PL268)

Title:
Education (Remediation)

Authors:
Clere, Behning, Heuer,
McNamara

Sponsors:
Yoder, Rogers, Randolph

Effective Date:
July 1, 2013

Summary

Education (Remediation). Repeals provisions for certain graduation standards for students before July 1, 2010. Provides that if a student is not progressing toward fulfillment of the student's graduation plan due to not achieving a passing score on the graduation examination, the school counselor shall meet with the: (1) student; (2) student's parent; and (3) student's teacher in the subject matter in which the student has not received a passing score on the graduation examination to discuss available remediation and to plan to meet the requirements necessary for a graduation waiver. Requires a secondary school's strategic and continuous school improvement and achievement plan to include a provision to reduce the number of graduation waivers. Requires the principal of a public school to inform a student and a parent of the student transferring to a nonaccredited nonpublic school of the legal responsibilities of transferring to a nonaccredited nonpublic school. Provides that the principal and the parent must sign a form to acknowledge that the parent understands the legal requirements of transferring to a nonaccredited nonpublic school. Provides that if the parent refuses to sign the form, the student is considered a dropout and shall be: (1) reported to the bureau of motor vehicles for purposes of revoking the student's driver's license or learner's permit; and (2) considered a dropout for purposes of calculating the high school's dropout rate. Provides that the Indiana Education Roundtable, when making recommendations to the State Board of Education regarding the methods of measuring school improvement, may consider the remedial needs of students who are likely to fail a graduation exam or require remedial work while attending a postsecondary educational institution or workforce training program. Provides that the remediation grant program may provide grants to school corporations to prevent the need for postsecondary or workforce training remediation or to decrease the likelihood that a student may fail a graduation examination. Provides that, not later than July 1, 2013, the State Board of Education, in consultation with the Department of Education (department), the Education Roundtable, the Commission for Higher Education, and the Department of Workforce Development, shall develop guidelines to assist secondary schools in identifying a student who is likely to: (1) fail a graduation examination; or (2) require remedial work at a postsecondary educational institution or workforce training program if the student subsequently attends a postsecondary educational institution or workforce training program upon graduation. Provides that the guidelines must include: (1) indicators to assist school personnel in determining whether a student may be in need of supplemental instruction or remediation; and (2) standards and guidelines for secondary school personnel to use in determining when a student is required to be assessed using a college and career readiness exam. Additional provisions included in the law are not summarized here. See the General Assembly website for more information.

Commentary

Todd Bess: *IASP desires for each student to be college- and career-ready, and high school principals have been working to meet this challenge and demand. This additional test may help guide our remediation efforts already in place, and may further serve to inform students who believe themselves to be ready for a postsecondary experience. Concerns within this bill do exist, as now a counselor is required to meet with the student, teacher, and parent when a student fails one or both of the ECAs. This communication is important, but we worry about the further impact on time demands when school counselor's roles continue to increase, and when the number of counselors is decreasing. Additionally, students transferring to home schooling who do not sign a new form will be considered a dropout, even though the student and the school have done everything they are legally required to do.*

Frank Bush: *This is an expansive law that will require considerably more analysis to implement. The intention is responsible because the effort will be extended to reduce the need for students to receive remedial assistance. However, because of the several mandates in the law, it will take time to implement and connect with teaching and learning practices.*



PERSPECTIVES

ON THE KEY PK-12 EDUCATION LEGISLATION OF 2013

House Bill 1012 (PL17)

Title:
Sale of Public School Building

Authors:
Lehman, GiaQuinta, Pond

Sponsors:
Kruse, Banks, Yoder

Effective Date:
 Upon passage

Summary

Sale of a Public School Building. Provides that a school corporation may sell a vacant or unused school building after the school building is made available for sale or lease to a charter school for at least two years. (Current law provides that a vacant or unused school building may be sold to an entity other than a charter school after 48 months.) Provides that a governing body shall make available for lease or purchase to any charter school any vacant or unused school building owned by the school corporation or any other entity that is related in any way to, or created by, the school corporation or the governing body, including a building corporation. (Current law provides that a governing body shall make available for lease or purchase to any charter school any vacant or unused school building owned by the school corporation). Provides that a governing body of a school corporation may request a waiver from the Department of Education (department) from the requirement that a vacant school building must be made available to a charter school. Provides that, after a governing body of a school corporation sends a waiver request to the department, the sponsor or membership organization representing charter schools may submit a qualified objection to the waiver request to the department. Provides that the department must deny a waiver request if it receives a qualified objection. Requires a charter school or related entity to transfer to the school corporation an amount equal to the gain, minus the adjusted basis of the school building, from a subsequent sale of a school building to a third party by the charter school or related entity. Requires the department to notify a school corporation of a charter school's intent to purchase or lease a vacant school building within 30 days of receiving a written notification from a charter school. Provides that if the department does not receive a qualified objection from a charter school or statewide organization representing charter schools, the governing body may dispose of the vacant or unused school building in any lawful manner. Provides that the definition of a charter school includes an entity or group seeking approval from a sponsor to operate a charter school.

Commentary

Frank Bush: *ISBA supported the law. It provides relief from the previous mandate on handling the sale of a school building. The mechanism for when and how to conduct a sale is useful and practical compared to the restrictions of the previous statute. If school boards are to have a restriction, this law is the less onerous and may be useful.*

Gail Zeheralis: *HEA 1012 provides that a school corporation may sell a vacant or unused school building after the building is made available for sale (for \$1) or lease to a charter school for at least 2 years. The school board may request a waiver from the DOE freeing them from the requirement that the building must be made available to a charter school. The charter sponsor in turn may submit a qualified objection to the waiver, and the DOE must then reject the waiver request if a qualified objection is received. A charter may not profit from a subsequent sale of the building and must transfer the amount of gain minus the costs incurred from any improvement made to the building*

The DOE must notify a school corporation of a charter's intent to purchase or lease a vacant school building within 30 days of receiving written notification. A school corporation may sell the building to another entity if the DOE does not receive a qualified objection from a charter school.

The reduction from four years to two years improves upon existing law prior to enactment of HEA 1012. A recent court case in Fort Wayne and East Allen, however, went a step further and placed greater burden on a charter school to express intent to purchase. The Allen County court was able to strike a balance to harmonize the meaning of the statutes while reducing the burden on districts and taxpayers.

However, while an improvement over existing law, HEA 1012 affects all districts (not just the parties in the Ft. Wayne case) and did not go as far as the court case in empowering public school districts to manage the conveyance of its property.



PERSPECTIVES

ON THE KEY PK-12 EDUCATION LEGISLATION OF 2013

House Bill 1357 (PL167)

Title:
School Administrators

Authors:
Huston, Turner

Sponsors:
Pete Miller, Banks

Effective Date:
July 1, 2013

Summary

School Administrators. Provides that a superintendent of schools is not required to hold a teacher's or superintendent's license, but is required to have obtained at least a master's degree from an accredited postsecondary educational institution. Repeals a requirement that a county superintendent of schools must have five years of successful teaching experience and hold a superintendent's license.

Commentary

Frank Bush: *Several education-related associations opposed the bill during testimony. ISBA's testimony was that school boards needed to be assured that a candidate, and thus potential employee as the superintendent, understood and could communicate the nuances of the culture of schooling. Fortunately, the law is not a mandate, rather an option which requires a master's degree to be employed. During the next few years, it will be interesting to see how many school boards experiment with this option for superintendent employment.*

Sally Sloan: *It seems that the Indiana General Assembly is perpetuating the theory that schools do not need educators leading them or teaching in them. This bill removes the requirement that a school superintendent hold either a teacher's or superintendent's license. This added "flexibility" may have been intended for a specific large school district in central Indiana, but it applies to all districts. This is one more notch in the effort to privatize public schools.*



PERSPECTIVES

ON THE KEY PK-12 EDUCATION LEGISLATION OF 2013

House Bill 1423 (PL285)

Title:
Antibullying

Authors:
**Porter, Behning, Battles,
Burton**

Sponsors:
**Pete Miller, Kruse, Rogers,
Kenley, Wyss**

Effective Date:
July 1, 2103

Summary

Antibullying. Requires the Department of Education, in consultation with school safety specialists and school counselors, to develop guidelines to assist school corporations and safe school committees in establishing bullying prevention programs, investigation and reporting procedures, and discipline rules. Requires each school corporation to include the number and categories of bullying incidents that occur within the school corporation on the school corporation's annual performance report. Requires each school corporation to provide training to school employees and volunteers concerning the school corporation's bullying prevention program, and to provide annual bullying prevention education to students. Modifies the definition of "bullying." Requires each school corporation to include detailed procedures for investigation and reporting of bullying behaviors in the school corporation's discipline rules. Requires each school corporation to include detailed procedures outlining the use of follow-up services for support services for the victim and bullying education for the bully in the school corporation's discipline rules. Sets out a bullying reporting requirement for each school corporation. Requires that if a board of trustees of a state educational institution elects to govern, by regulation or another means, the conduct of students, faculty, employees, and others on the property owned, used, or occupied by the state educational institution, the regulation must include a policy prohibiting bullying.

Commentary

Todd Bess: *School and corporation administrators must continue to address any issue of bullying while also educating students and parents as to what constitutes bullying incidents. A concern is that the expanded definition of bullying and the scope of where it might occur may cause a large increase in the volume of bullying reports. This impacts the diligent school administrators as they investigate each report and further communicate with students, staff, and parents. The education provided to students and the training for staff will assist with the overall school effort to address this critical issue.*

Frank Bush: *ISBA consistently supported the bill as it has been introduced over the years. Bullying is another extremely serious societal issue. The bill has several mandates included, but as the law is implemented, hopefully the requirements will assist with saving one student at a time from having to cope with bullying. The unfair treatment of another is such an onerous act that the school officials must accelerate efforts to reduce and eliminate the practice.*

Russ Skiba: *HB 1423 significantly strengthened anti-bullying provisions already present in Indiana code. In particular, it requires that the IDOE and local school safety specialist go beyond simply providing materials on bullying to providing guidelines for implementing programs, establishing procedures for reporting, and adopting disciplinary rules around bullying. It also requires and more precisely defines research-based training on bullying prevention, and improves definitions of bullying. By strengthening these provisions, the bill makes a welcome contribution to the ability of Indiana's schools for addressing the very serious issue of bullying and harassment.*



PERSPECTIVES

ON THE KEY PK-12 EDUCATION LEGISLATION OF 2013

House Bill 1427 (PL286)

Title:
Various Education Matters

Authors:
Rhoads, Behning

Sponsors:
Kruse, Schneider, Banks,
Randolph

Effective Date:
Multiple effective dates,
including retroactive dates

Summary

Various Education Matters. Provides that after May 15, 2013, the State Board of Education (state board) may take no further actions to implement as standards for the state or direct the Department of Education (department) to implement any Common Core standards until the state board conducts a comprehensive evaluation of the Common Core standards. Provides that, before July 1, 2014, the state board shall adopt college and career readiness educational standards. Provides that 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. Provides that, before July 1, 2013, the department shall provide a written evaluation of the Common Core standards to the state board and the chairperson of the Legislative Study committee established to study the Common Core standards and other standards. Provides that the Legislative Council shall establish a legislative study committee to study issues relating to Common Core standards or other standards. Requires the state board to secure an opinion from the Office of Management and Budget concerning the fiscal impact to the state and school corporations if the state board: (1) fully implements the Common Core standards, or (2) discontinues the implementation of the Common Core standards. Requires the state board to hold at least three public meetings. Requires the department to administer ISTEP+ assessments during the 2013-2015 biennium. Abolishes the following programs and entities concerning various education matters: (1) Technology apprenticeship grant program; (2) Education consultant for health and physical education; (3) Corporation for educational technology; (4) Principal leadership academy; (5) School grant writing and fundraising assistance program; (6) School intervention and career counseling development program advisory board; (7) Technology Preparation Task Force; (8) Research and development program concerning various studies and evaluations; (9) Department of Education review of professional development programs; (10) Readiness testing; (11) Student services programs; (12) Teacher quality and professional improvement program; (13) Projects on Innovative Education; (14) Committee on educational attitudes, motivation, and parental involvement; (15) ISTEP program citizens' review committee; (16) Twenty-first century schools pilot program; and (17) Anti-gang counseling pilot program and fund. Requires the state board to provide for reviews to ensure the validity and reliability of the ISTEP program. Replaces the ambassador for education program with provisions that allow a teacher of the year to serve one year of professional leave with the Department of Education or a postsecondary educational institution. Requires a school corporation to annually compile class size data for kindergarten through grade 3 and report the data to the department by a date established by the department. Additional provisions included in the law are not summarized here. See the General Assembly website for more information.

Commentary

Todd Bess: *While intended as a clean-up bill, HB 1427 became one of the biggest pieces of education legislation during this session. "Pausing" the Common Core standards and assessments implementation places dedicated educators in limbo as well as further creating a unique dynamic between the State Board of Education, the General Assembly, and the State Superintendent. Awaiting the State Board's decision will then be the type of assessment that will be used, especially after the online testing issues that existed this spring. While everyone debates the type of standards Indiana will use in 2014-15 and beyond, the results of a new online-only test should be a part of the discussion, too, especially with school grades linked in numerous ways to vouchers, evaluations, and potential takeover of poor-performing schools.*

The second issue contained in HB 1427 is the provision that the new A-F school grade models must be reworked and the old rules are void. The new model must be reported to the General Assembly, and must be based on both proficiency and growth, with growth measured on an individual basis. IASP is hopeful that the elementary and middle school models allow for stronger input from all stakeholders to develop the robust system our complex education system deserves. At the same time, the high school model is much improved over the previous version, and the good work of high school principals should not be easily modified.

Frank Bush: *Two concepts in the law give direction to public education: the pausing of Common Core and the codification of the A-F grading scale. ISBA offers direct opposition to codifying the A-F grading scale. The Association's position was that the State Board would lose the flexibility to design another label for school successes based on a new and improved metric system if the state mandates the grading scale, which was done. On Common Core, time will present results as to whether Indiana should participate in this curriculum endeavor, but on the surface if almost all states participate, Hoosier students' academic achievement will not be able to be compared nationally without Indiana using almost identical standards. The debatable question is: What is the purpose of testing that leads to consistent comparisons?*

Sally Sloan: *This bill had a good deal of "clean up" in it. Other than the "clean up," one significant factor is the language that pauses Common Core Standards (CCS) until the state board takes some further investigative action. From having attended the State Board meeting on May 1, it would seem that the board is not likely to change anything it has already done and will bully its way around any intelligent effort to review, not revoke, CCS. CCS will be the subject of a summer study committee.*

This was a pretty broad sweep of a "clean up" bill which has to make one concerned. However, one positive "clean up" language change in the bill is to replace the definition of "textbook" with "curricular materials."

Unfortunately, the bill codifies "A" through "F" as the term/word used to designate academic performance of schools. The terms, not just the definitions, should have been left to the State Board. The State Board will establish the new categories or designations based on certain measurements, but the "A" through "F" labeling of children and schools does nothing to help children and schools. Labels are hurtful. Remember when you were a Red Bird or a Sparrow?

Vic Smith: *Among many provisions, HB 1427 vindicated the many critics of Dr. Bennett's A-F system by voiding it and requiring a new system by November 15, 2013, which "may not be based on a measurement of student performance or growth compared with peers." After three years of controversy, the norm-referenced system using metrics from the Indiana Growth Model has been killed by the General Assembly. This positive step forward was unfortunately accompanied by two steps backward: (1) writing into law the controversial "A" through "F" grading scale and (2) rewriting with little debate Indiana's well-known accountability law (Public Law 221) for the first time since it was written in 1999, to change the central goal of the law from "improvement" to "performance."*