



# INDIANA STATE BOARD OF EDUCATION

## Resolution Regarding the Delegation of Rule Drafting to Department Staff

June 4, 2025

*WHEREAS*, the Indiana Constitution empowers the Indiana General Assembly (“Legislature”) to establish education policy for the State of Indiana;

*WHEREAS*, Indiana Code 20-31-3-1 provides that the Legislature may delegate its education policy authority to the Indiana State Board of Education (“Board”) to establish education policies and procedures;

*WHEREAS*, HEA 1498, effective July 1, 2025, added Indiana Code 20-31-8-11 to read as follows:

SECTION 7. IC 20-31-8-11 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 11. (a) Not later than December 31, 2025, the state board shall establish a new methodology for designating school performance under section 3 of this chapter. The methodology developed under this section must do the following:

- (1) Be based on data available in the department's Internet dashboard established under section 5.5 of this chapter.
- (2) Include proficiency rates from the determinant evaluation of reading skills approved by the state board for schools that contain grade 3.
- (3) Include proficiency rates from the statewide summative assessment.
- (4) Prioritize the attainment of a diploma seal described in 511 IAC 6-7.2-8.
- (5) Consider other factors the state board considers relevant.
- (b) The performance of a school's students on the statewide assessment program test and other criterion referenced benchmark assessments recommended by the department and approved by the state board are the primary means of assessing an elementary school's improvement.
- (c) The state board shall adopt rules under IC 4-22-2 to implement this chapter.
- (d) 511 IAC 6.2-10 shall become void on the date the rules concerning subsection (a) are adopted by the state board. At that time, the publisher of the Indiana Administrative Code and the Indiana Register shall remove this provision from the Indiana Administrative Code.

*WHEREAS*, Indiana Code 4-22-2-15 provides that any rulemaking action in that chapter that allows or requires an agency to perform, other than final adoption of a rule under section 29, 37.1, or 37.2 of that chapter may be performed by the individual or group of individuals with the statutory authority to adopt rules for the agency, a member of the agency's staff, or another agent of the agency;



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*WHEREAS*, Indiana Code 20-18-3-1 and Indiana Code 20-19-3-4 define those duties of the Indiana Department of Education and requires the Department to implement the policies and procedures established by the Legislature and the Board;

*NOW, THEREFORE, BE IT RESOLVED THAT*, the Board now delegates its authority to draft rule language regarding the establishment of a new methodology for designating school performance, consistent with the factors outlined in HEA 1498.

ADOPTED ON: June 4, 2025