



March 20, 2009

**ENGROSSED  
HOUSE BILL No. 1289**

DIGEST OF HB 1289 (Updated March 18, 2009 3:25 pm - DI 110)

**Citations Affected:** IC 4-23; IC 20-36.

**Synopsis:** Coordination of programs for vulnerable individuals and high ability students. Creates the board for the coordination of programs serving vulnerable individuals to coordinate the delivery of services to vulnerable individuals in need of services. Requires the board to oversee the implementation of the recommendations made by the commission on disproportionality in youth services. Requires a school corporation, in its local plan to provide appropriate educational experiences to high ability students, to include best practices to increase the number of participants in high ability student programs who are from racial and ethnic groups that have been underrepresented in those programs.

**Effective:** July 1, 2009.

**Crawford**

(SENATE SPONSORS — BREAUX, DILLON, LAWSON C)

January 13, 2009, read first time and referred to Committee on Family, Children and Human Affairs.

February 17, 2009, amended, reported — Do Pass.

February 19, 2009, read second time, ordered engrossed. Engrossed.

February 24, 2009, read third time, passed. Yeas 97, nays 0.

SENATE ACTION

March 2, 2009, read first time and referred to Committee on Commerce, Public Policy and Interstate Cooperation.

March 19, 2009, amended, reported favorably — Do Pass.

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EH 1289—LS 7095/DI 14+



March 20, 2009

First Regular Session 116th General Assembly (2009)

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 2008 Regular Session of the General Assembly.

## ENGROSSED HOUSE BILL No. 1289

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A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

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

- 1 SECTION 1. IC 4-23-30 IS ADDED TO THE INDIANA CODE AS  
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2009]:  
4 **Chapter 30. Board for the Coordination of Programs Serving**  
5 **Vulnerable Individuals**  
6 **Sec. 1. As used in this chapter, "board" refers to the board for**  
7 **the coordination of programs serving vulnerable individuals**  
8 **created by section 8 of this chapter.**  
9 **Sec. 2. As used in this chapter, "director" refers to the director**  
10 **of the board appointed under section 10 of this chapter.**  
11 **Sec. 3. As used in this chapter, "disproportionality" refers to a**  
12 **situation in which members of a particular race or ethnic group in**  
13 **the United States are represented at a percentage higher or lower**  
14 **than the percentage of the general public that the particular race**  
15 **or ethnic group comprises.**  
16 **Sec. 4. As used in this chapter, "strength based" refers to a**  
17 **perspective that recognizes that:**

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- 1 (1) every individual, group, family, and community has
- 2 strengths that should be considered by service providers when
- 3 developing services for a client;
- 4 (2) a service provider can best serve a client by collaborating
- 5 with the client to develop the client's strengths;
- 6 (3) service providers should work with a client to ensure that
- 7 every environment in which the client receives services has
- 8 adequate resources to meet the needs of the client; and
- 9 (4) a service plan for a client should not be based on
- 10 diagnostic assessments of client deficits or needs but on a
- 11 practice that uses the assessment process to discover strengths
- 12 and engage clients in collaborative planning.

13 Sec. 5. As used in this chapter, "vulnerable population"

14 includes:

- 15 (1) individuals receiving services:
  - 16 (A) under IC 12;
  - 17 (B) from the department of child services established by
  - 18 IC 31-25-1-1;
  - 19 (C) through the criminal justice system or the juvenile
  - 20 justice system;
  - 21 (D) from the department of education as students who are
  - 22 at risk or exceptional learners; and
  - 23 (E) from the department of workforce development;
- 24 (2) young persons of color; and
- 25 (3) other individuals recognized by the board as members of
- 26 a vulnerable population.

27 Sec. 6. As used in this chapter, "wraparound services" refers to

28 support networks that are characterized by the creation of

29 constructive relationships to assist recipients of services, families

30 of recipients of services, and others using a strength based

31 philosophy to guide service planning.

32 Sec. 7. For purposes of this chapter, "young person of color"

33 refers to an individual who is less than eighteen (18) years of age

34 and is identified as one (1) of the following:

- 35 (1) Black or African-American.
- 36 (2) Hispanic or Latino.
- 37 (3) Asian.
- 38 (4) American Indian.
- 39 (5) Alaska Native.
- 40 (6) Native Hawaiian or other Pacific Islander.

41 Sec. 8. The board for the coordination of programs serving

42 vulnerable individuals is created to foster coordination of services

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1 and programs for vulnerable individuals in Indiana.

2 Sec. 9. (a) The board consists of the following members:

3 (1) The secretary of family and social services, or the  
4 secretary's designee.

5 (2) The state superintendent of public instruction, or the state  
6 superintendent's designee.

7 (3) The director of the department of child services, or the  
8 director's designee.

9 (4) The commissioner of the department of correction, or the  
10 commissioner's designee.

11 (5) The director of the Indiana criminal justice institute, or  
12 the director's designee.

13 (6) The director of the budget agency, or the director's  
14 designee.

15 (7) An executive assistant to the governor designated by the  
16 governor, who shall serve as the board's chairperson.

17 (8) The commissioner of the department of workforce  
18 development, or the commissioner's designee.

19 (9) The director of the state personnel department, or the  
20 director's designee.

21 (10) The director of the civil rights commission, or the  
22 director's designee.

23 (11) The director of the division of mental health and  
24 addiction or the director's designee.

25 (12) The director of the office of Medicaid policy and planning  
26 or the director's designee.

27 (13) A representative of the Indiana judicial center.

28 (14) A representative of the public defender council of  
29 Indiana.

30 (15) A representative of the prosecuting attorneys council of  
31 Indiana.

32 (16) A representative of the office of guardian ad litem and  
33 court appointed special advocate services.

34 (b) The affirmative votes of a majority of the members  
35 appointed to the board are required for the board to take action on  
36 any measure, including reports.

37 (c) The board shall meet every two (2) months or more often, at  
38 the call of the chairperson.

39 (d) The board shall provide quarterly reports to the governor,  
40 the general assembly, and the Indiana criminal justice institute on  
41 the progress of the board and on issues affecting the provision of  
42 services to members of a vulnerable population. The report to the

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1 general assembly must be in an electronic format under IC 5-14-6.

2 Sec. 10. (a) The governor shall appoint a director, who shall  
3 serve at the pleasure of the governor. The director is entitled to a  
4 salary to be determined by the budget agency with the approval of  
5 the governor.

6 (b) The director, with the approval of the governor and the  
7 budget agency, and on the advice of the members of the board, may  
8 appoint staff necessary to fulfill the duties of the board.

9 Sec. 11. The board has the following duties:

10 (1) Oversee the implementation of the recommendations made  
11 by the commission on disproportionality in youth services,  
12 including the ongoing review and evaluation of recommended  
13 programs, practices, and procedures described in the report  
14 as mandated by P.L.234-2007.

15 (2) Suggest policy, program, and legislative changes related to  
16 services provided to members of a vulnerable population to  
17 accomplish the following:

18 (A) Enhance the quality of and access to services with  
19 positive outcomes for vulnerable populations.

20 (B) Reduce disproportionality of young persons of color in  
21 youth services by changing or eliminating policies that  
22 contribute to poor outcomes for young persons of color.

23 (3) Oversee and coordinate the review, evaluation, and  
24 development of consistent statewide standards for the use of  
25 risk and needs assessment tools that are culturally sensitive  
26 and promote objectivity in decision making at service delivery  
27 points in systems serving members of a vulnerable population.

28 (4) Work collaboratively within and across state and local  
29 agencies to create a central data warehouse to serve as a  
30 statewide system for standardized, disaggregated, race  
31 specific data collection that has rapid accessibility and  
32 accountability measures for comparative use across service  
33 systems and geographic areas. The data system should include  
34 the following:

35 (A) Establishing measures to ensure the collection of  
36 consistent information to allow comparative racial and age  
37 data that are program based and outcome oriented.

38 (B) Recommending consistent, standardized reporting  
39 measurements.

40 (C) Working with agency participants to develop  
41 implementation plans that achieve consistency in:

42 (i) data collection;

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- (ii) program development and evaluation;
  - (iii) staff training; and
  - (iv) annual reporting.
- (5) Work collaboratively within and across state and local agencies and programs to achieve consistent statewide standards for mandatory, ongoing cultural competency training and professional practice standards for government employees, school personnel, service providers, and professionals in systems serving members of a vulnerable population.
- (6) Work collaboratively within and across state and local agencies and programs to develop and monitor a strategic plan to recruit and retain diverse professionals and staff level employees throughout all service delivery systems. The strategic plan developed must include provisions to ensure that bilingual training is available.
- (7) Work collaboratively within and across state and local agencies to identify existing and to recommend new early intervention and preventive programming services for members of a vulnerable population. Intervention and preventive programming should be sensitive to race and should include culturally sensitive, evidence based programming or measures involving the following:
- (A) Strength based approaches to engage and promote positive outcomes.
  - (B) Community based, wraparound services.
  - (C) Educational advocacy and support services.
  - (D) School based referrals to mental health care.
  - (E) Programming that supports collaborative relationships among community, faith based, private, and public organizations.
  - (F) Home based prevention services in the child welfare system.
  - (G) Transitional services for foster youth.
  - (H) Child and family teams for youth in system care.
  - (I) Other early intervention and preventive programming services.
- (8) Work with local officials and the Indiana criminal justice institute to develop local juvenile justice councils and support the development of strategies to reduce disproportionality and disparity at the county level.
- (9) Suggest policy development and fiscal planning efforts to

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**achieve blended or braided funding for services delivered to members of a vulnerable population.**

**(10) Monitor and support ongoing implementation of agency efforts to reduce disproportionality and enhance quality of services to members of a vulnerable population.**

**(11) Report plans and progress to the governor, the legislative council, and the public at least semiannually. A report to the legislative council under this subdivision must be in an electronic format under IC 5-14-6.**

**(12) Coordinate program review and fiscal planning by participant agencies.**

**(13) Direct service delivery providers to collect and report disaggregated data based on race and ethnicity by geographic and program areas.**

**Sec. 12. To carry out this chapter, the board may do the following:**

**(1) Request any governmental entity that has an interest in or is involved in the delivery of human services to attend and participate in any meetings of the board that the board determines to be beneficial and necessary to achieve the goal of effective coordination and delivery of human services to members of a vulnerable population.**

**(2) Seek the cooperation of all agencies, departments, and institutions of state government to eliminate any duplication or overlap that may exist in the administration of programs delivery service to members of a vulnerable population.**

**(3) Upon the request of one (1) of the members of the board, review the status of eligible recipients of services to determine whether an individual recipient is under the jurisdiction of the proper agency of state government. Following a review under this subdivision, the board may suggest the transfer of an individual recipient to the jurisdiction of another state agency if permitted by law.**

**(4) Create task forces to study issues and provide information to the board as needed. Members appointed to task forces created under this subdivision serve without compensation.**

**SECTION 2. IC 20-36-2-2, AS AMENDED BY P.L.84-2007, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. A governing body shall develop and periodically update a local plan to provide appropriate educational experiences to high ability students in the school corporation in kindergarten through grade 12. The plan must include the following**

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- 1 components:
- 2 (1) The establishment of a broad based planning committee that
- 3 meets periodically to review the local education authority's plan
- 4 for high ability students. The committee must have
- 5 representatives from diverse groups representing the school and
- 6 community.
- 7 (2) Student assessments that identify high ability students using
- 8 multifaceted assessments to ensure that students not identified by
- 9 traditional assessments because of economic disadvantage,
- 10 cultural background, underachievement, or disabilities are
- 11 included. The assessments must identify students with high
- 12 abilities in the general intellectual domain and specific academic
- 13 domains. The results of an assessment under this subdivision
- 14 must be recorded with the student test number assigned to a
- 15 student.
- 16 (3) Professional development.
- 17 (4) Development and implementation of local services for high
- 18 ability students, including appropriately differentiated curriculum
- 19 and instruction in the core academic areas designated by the state
- 20 board for each grade consistent with federal, state, local, and
- 21 private funding sources.
- 22 (5) Evaluation of the local program for high ability students.
- 23 **(6) Best practices to increase the number of participants in**
- 24 **high ability student programs who are from racial and ethnic**
- 25 **groups that have been underrepresented in those programs.**

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred House Bill 1289, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 19, delete "system;" and insert "**system or the juvenile justice system;**".

Page 3, line 30, after "meet" insert "**every**".

Page 3, line 30, delete "times a month" and insert "**months**".

Page 6, after line 29, begin a new paragraph and insert:

"SECTION 2. IC 20-36-2-2, AS AMENDED BY P.L.84-2007, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. A governing body shall develop and periodically update a local plan to provide appropriate educational experiences to high ability students in the school corporation in kindergarten through grade 12. The plan must include the following components:

- (1) The establishment of a broad based planning committee that meets periodically to review the local education authority's plan for high ability students. The committee must have representatives from diverse groups representing the school and community.
- (2) Student assessments that identify high ability students using multifaceted assessments to ensure that students not identified by traditional assessments because of economic disadvantage, cultural background, underachievement, or disabilities are included. The assessments must identify students with high abilities in the general intellectual domain and specific academic domains. The results of an assessment under this subdivision must be recorded with the student test number assigned to a student.
- (3) Professional development.
- (4) Development and implementation of local services for high ability students, including appropriately differentiated curriculum and instruction in the core academic areas designated by the state board for each grade consistent with federal, state, local, and private funding sources.
- (5) Evaluation of the local program for high ability students.
- (6) Best practices to increase the number of participants in**

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**high ability student programs who are from racial and ethnic groups that have been underrepresented in those programs."**

and when so amended that said bill do pass.

(Reference is to HB 1289 as introduced.)

SUMMERS, Chair

Committee Vote: yeas 11, nays 0.

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COMMITTEE REPORT

Madam President: The Senate Committee on Commerce, Public Policy and Interstate Cooperation, to which was referred House Bill No. 1289, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 3, between lines 27 and 28, begin a new line block indented and insert:

**"(14) A representative of the public defender council of Indiana.**

**(15) A representative of the prosecuting attorneys council of Indiana.**

**(16) A representative of the office of guardian ad litem and court appointed special advocate services."**

Page 6, line 11, delete "Require" and insert "**Request**".

and when so amended that said bill do pass.

(Reference is to HB 1289 as printed February 17, 2009.)

ALTING, Chairperson

Committee Vote: Yeas 9, Nays 0.

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