

## CONFERENCE COMMITTEE REPORT DIGEST FOR EHB 1005

**Citations Affected:** IC 20-20-32.5; IC 20-26-13-10; IC 20-30-4-6; IC 20-31; IC 20-32; IC 20-33-2-28.6; IC 21-18.5-4-8.5; IC 21-43-4.

**Synopsis:** Remediation. Provides that the education roundtable, with approval by the state board of education (state board), shall develop the rewarding innovation, technology, and excellence (RITE) program to provide grants rewarding schools that have exhibited improvement toward benchmarks established by the state board of education. Provides that a school corporation that applies for a grant under the RITE program must demonstrate how the school corporation's: (1) innovation; (2) use of technology; or (3) other efforts to achieve excellence; have led to improvement in meeting the benchmarks. Specifies that grants under the RITE program must be made from the innovation fund. Provides that the amounts necessary to make grants under the RITE program are appropriated from the innovation fund. Provides that a school corporation receiving a grant under the RITE program must match the grant at a rate that is at least \$1 of local money for each \$1 granted to the school corporation. Limits to \$50,000 the total amount of all grants that may be made to a particular school corporation under the RITE program. Limits to \$1,000,000 the total amount of all grants that may be made to all school corporations under the RITE program for all state fiscal years. Repeals provision 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 education roundtable, when making recommendations to the state board

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, 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. Provides that the guidelines may provide best practices and strategies for improving services and support provided by a school to assist a student in achieving the level of academic performance that is appropriate for the student's grade level to minimize: (1) the likelihood that a student may fail a graduation exam; or (2) the necessity for postsecondary remedial course work by the student. Provides that if the appropriate school official determines, using the indicators established in the guidelines, that a student before the spring semester, or the equivalent, of grade 11 will likely require remedial work at a postsecondary educational institution or workforce training program or fail a graduation examination, the school official shall require the student to take a college and career readiness exam. Provides that a school official shall, based on the results of the exam, determine if the student is in need of additional remediation or instruction in a particular subject matter contained in the exam. Provides that a student who has been identified to need additional remedial work must pass a college and career readiness exam before the student may enroll in a dual credit course in a subject matter related to the subject matter in which the student has been identified to need additional remedial work. Provides that a school official shall inform the student's parent of the likelihood that the student will require remedial work while the student attends a postsecondary educational institution or workforce development program. Provides that a school official may establish a remediation or supplemental instruction plan with the student's parent. Requires the state board, in consultation with the department, to develop criteria to be used by the department to identify secondary schools with the highest graduation waiver rate percentages in the state that may require the establishment of a school wide remediation plan. Provides that the state board shall place the school and the school corporation on notice that the school has exceeded the percentage of graduation waivers under the criteria established by the state board and require the school to develop a school-wide remediation plan. Provides that, after June 30, 2014, certain students who receive a graduation waiver, other than the work readiness waiver, and who obtain a general curriculum diploma are disqualified from receiving any state scholarships, grants, or assistance administered by the commission for higher education unless the students pass a career and college readiness exam. Provides that, beginning after June 30, 2014, a student must achieve at least the equivalent of a 2.0 on a 4.0 unweighted grading scale in order for the student to receive postsecondary credit on a dual credit course or double up program course taught in a high school setting. **(This conference committee report: (1) replaces the current provisions of EHB 1005 with the provisions contained in HB 1005 as it left the house of representatives; (2) adds HB 1413; (3) adds language that provides that a student enrolled in a dual credit course must achieve a 2.0 on a 4.0 scale in a course taught in a high school setting to receive postsecondary credit for the course and provides that if the student does not achieve a 2.0 in the course, the dual credit teacher shall not submit the grade for the dual credit course to the eligible institution; (4) adds a provision that requires the state board, in consultation with the department, to develop criteria to be used by the department to identify secondary schools with the highest graduation waiver rate percentages in the state that may require the establishment of a school wide remediation plan; (5) adds a provision that provides that**

**the state board shall place the school and the school corporation on notice that the school has exceeded the percentage of graduation waivers using the criteria established by the state board and require the school to develop a school-wide remediation plan; (6) makes changes to a provision requiring a guidance counselor to meet with the student's teacher if the student has not achieved a passing score on the student's graduation examination; (7) makes certain changes to a provision pertaining to obtaining a graduation waiver with an industry certification; (8) resolves conflicts with SEA 406-2013.)**

**Effective:** Upon passage; July 1, 2013.

## CONFERENCE COMMITTEE REPORT

**MR. SPEAKER:**

*Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill No. 1005 respectfully reports that said two committees have conferred and agreed as follows to wit:*

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning
- 3 education and to make an appropriation.
- 4 Delete everything after the enacting clause and insert the following:
- 5 SECTION 1. IC 20-20-32.5 IS ADDED TO THE INDIANA CODE
- 6 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 7 JULY 1, 2013]:
- 8 **Chapter 32.5. Rewarding Innovation, Technology, and**
- 9 **Excellence (RITE) Program**
- 10 **Sec. 1. As used in this chapter, "RITE program" refers to the**
- 11 **rewarding innovation, technology, and excellence program**
- 12 **established by section 2 of this chapter.**
- 13 **Sec. 2. The education roundtable established by IC 20-19-4-2,**
- 14 **with approval by the state board, shall establish the rewarding**
- 15 **innovation, technology, and excellence program. The education**
- 16 **roundtable shall administer the RITE program. As requested by**
- 17 **the education roundtable, the department shall assist the education**
- 18 **roundtable in administering the RITE program.**
- 19 **Sec. 3. (a) The education roundtable, with approval by the state**
- 20 **board, shall develop the RITE program to provide grants**
- 21 **rewarding schools that have exhibited improvement toward**

1 benchmarks established by the state board under section 4 of this  
2 chapter.

3 (b) The grants under the RITE program shall be made from the  
4 innovation fund established by P.L.229-2011. The amounts  
5 necessary to make the grants under the RITE program are  
6 appropriated from the innovation fund.

7 Sec. 4. (a) The state board shall develop benchmarks to be used  
8 for purposes of awarding grants under the RITE program.

9 (b) A school corporation that applies for a grant under the  
10 RITE program must demonstrate how the school corporation's:

- 11 (1) innovation;
- 12 (2) use of technology; or
- 13 (3) other efforts to achieve excellence;

14 have led to improvement in meeting the benchmarks developed  
15 under subsection (a).

16 Sec. 5. (a) The education roundtable shall develop standards and  
17 guidelines for school corporations that wish to apply for a grant  
18 under the RITE program.

19 (b) The education roundtable shall determine which  
20 benchmarks are appropriate for a particular school corporation  
21 applying for a grant under the RITE program.

22 (c) A school corporation applying for a grant under the RITE  
23 program shall, for two (2) school years, certify to the education  
24 roundtable the information requested by the education roundtable  
25 to determine the school corporation's improvement in meeting the  
26 benchmarks developed under section 4(a) of this chapter.

27 Sec. 6. After reviewing an application submitted by a school  
28 corporation and the information submitted by the school  
29 corporation under section 5(c) of this chapter, the education  
30 roundtable may determine that the school corporation is entitled  
31 to a grant under the RITE program. If the education roundtable  
32 makes a determination to award a grant to a school corporation,  
33 the education roundtable shall determine the amount of the grant  
34 and the restrictions, if any, on the purposes for which the grant  
35 may be used.

36 Sec. 7. A school corporation receiving a grant under the RITE  
37 program must match the grant at a rate that is at least one dollar  
38 (\$1) of local money for each one dollar (\$1) granted to the school  
39 corporation. The local money used to match the grant may include  
40 money from the school corporation, a public school foundation, a  
41 community foundation, or any other private source.

42 Sec. 8. (a) The total amount of all grants that may be made to a  
43 particular school corporation under the RITE program for all  
44 state fiscal years may not exceed fifty thousand dollars (\$50,000).

45 (b) The total amount of all grants that may be made to all school  
46 corporations under the RITE program for all state fiscal years may  
47 not exceed one million dollars (\$1,000,000).

48 SECTION 2. IC 20-26-13-10, AS AMENDED BY P.L.43-2009,  
49 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
50 JULY 1, 2013]: Sec. 10. Except as provided in section 11 of this  
51 chapter, the four (4) year graduation rate for a cohort in a high school

1 is the percentage determined under STEP FIVE of the following  
2 formula:

3 STEP ONE: Determine the grade 9 enrollment at the beginning of  
4 the reporting year three (3) years before the reporting year for  
5 which the graduation rate is being determined.

6 STEP TWO: Add:

7 (A) the number determined under STEP ONE; and

8 (B) the number of students who:

9 (i) have enrolled in the high school after the date on which  
10 the number determined under STEP ONE was determined;

11 and

12 (ii) have the same expected graduation year as the cohort.

13 STEP THREE: Subtract from the sum determined under STEP  
14 TWO the number of students who have left the cohort for any of  
15 the following reasons:

16 (A) Transfer to another public or nonpublic school.

17 (B) **Except as provided in IC 20-33-2-28.6**, removal by the  
18 student's parents under IC 20-33-2-28 to provide instruction  
19 equivalent to that given in the public schools.

20 (C) Withdrawal because of a long term medical condition or  
21 death.

22 (D) Detention by a law enforcement agency or the department  
23 of correction.

24 (E) Placement by a court order or the department of child  
25 services.

26 (F) Enrollment in a virtual school.

27 (G) Leaving school, if the student attended school in Indiana  
28 for less than one (1) school year and the location of the student  
29 cannot be determined.

30 (H) Leaving school, if the location of the student cannot be  
31 determined and the student has been reported to the Indiana  
32 clearinghouse for information on missing children and missing  
33 endangered adults.

34 (I) Withdrawing from school before graduation, if the student  
35 is a high ability student (as defined in IC 20-36-1-3) who is a  
36 full-time student at an accredited institution of higher  
37 education during the semester in which the cohort graduates.

38 STEP FOUR: Determine the total number of students determined  
39 under STEP TWO who have graduated during the current  
40 reporting year or a previous reporting year.

41 STEP FIVE: Divide:

42 (A) the number determined under STEP FOUR; by

43 (B) the remainder determined under STEP THREE.

44 SECTION 3. IC 20-30-4-6, AS AMENDED BY P.L.140-2008,  
45 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
46 JULY 1, 2013]: Sec. 6. (a) A student's guidance counselor shall, in  
47 consultation with the student and the student's parent, review annually  
48 a student's graduation plan that was developed in grade 9 under section  
49 2 of this chapter to determine if the student is progressing toward  
50 fulfillment of the graduation plan.

1 (b) If a student is not progressing toward fulfillment of the  
 2 graduation plan, the school counselor shall provide counseling services  
 3 for the purpose of advising the student of credit recovery options and  
 4 services available to help the student progress toward graduation.

5 **(c) If a student is not progressing toward fulfillment of the**  
 6 **graduation plan due to not achieving a passing score on the**  
 7 **graduation examination, the school counselor shall meet with the:**

8 **(1) teacher assigned to the student for remediation in each**  
 9 **subject area in which the student has not achieved a passing**  
 10 **score on the graduation examination;**

11 **(2) parents of the student; and**

12 **(3) student;**

13 **to discuss available remediation and to plan to meet the**  
 14 **requirements under IC 20-32-4.**

15 SECTION 4. IC 20-31-5-6, AS AMENDED BY P.L.66-2009,  
 16 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 17 JULY 1, 2013]: Sec. 6. (a) A plan must contain the following  
 18 components for the school:

19 (1) A list of the statutes and rules that the school wishes to have  
 20 suspended from operation for the school.

21 (2) A description of the curriculum and information concerning  
 22 the location of a copy of the curriculum that is available for  
 23 inspection by members of the public.

24 (3) A description and name of the assessments that will be used  
 25 in the school in addition to ISTEP program assessments.

26 (4) A plan to be submitted to the governing body and made  
 27 available to all interested members of the public in an easily  
 28 understood format.

29 (5) A provision to maximize parental participation in the school,  
 30 which may include providing parents with:

31 (A) access to learning aids to assist students with school work  
 32 at home;

33 (B) information on home study techniques; and

34 (C) access to school resources.

35 (6) For a secondary school, a provision to do the following:

36 (A) Offer courses that allow all students to become eligible to  
 37 receive an academic honors diploma.

38 (B) Encourage all students to earn an academic honors  
 39 diploma or complete the Core 40 curriculum.

40 **(C) Reduce the number of graduation exam waivers**  
 41 **granted to graduates.**

42 (7) A provision to maintain a safe and disciplined learning  
 43 environment for students and teachers that complies with the  
 44 governing body's plan for improving student behavior and  
 45 discipline developed under IC 20-26-5-32.

46 (8) A provision for the coordination of technology initiatives and  
 47 ongoing professional development activities.

48 (b) If, for a purpose other than a plan under this chapter, a school  
 49 has developed materials that are substantially similar to a component  
 50 listed in subsection (a), the school may substitute those materials for  
 51 the component listed in subsection (a).

1 SECTION 5. IC 20-31-8-1, AS ADDED BY P.L.1-2005, SECTION  
 2 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
 3 2013]: Sec. 1. (a) The performance of a school's students on the ISTEP  
 4 program test and other assessments recommended by the education  
 5 roundtable and approved by the state board are the primary and  
 6 majority means of assessing a school's improvement.

7 (b) The education roundtable shall examine and make  
 8 recommendations to the state board concerning:

9 (1) performance indicators to be used as a secondary means of  
 10 determining school progress;

11 (2) expected progress levels, continuous improvement measures,  
 12 distributional performance levels, and absolute performance  
 13 levels for schools; and

14 (3) an orderly transition from the performance based accreditation  
 15 system to the assessment system set forth in this article.

16 (c) The education roundtable shall consider methods of measuring  
 17 improvement and progress used in other states in developing  
 18 recommendations under this section.

19 **(d) The education roundtable may consider:**

20 **(1) the likelihood that a student may fail a graduation exam**  
 21 **and require a graduation waiver under IC 20-32-4-4 or**  
 22 **IC 20-32-4-5; and**

23 **(2) remedial needs of students who are likely to require**  
 24 **remedial work while the students attend a postsecondary**  
 25 **educational institution or workforce training program;**

26 **when making recommendations under this section.**

27 SECTION 6. IC 20-32-4-0.3 IS REPEALED [EFFECTIVE JULY  
 28 1, 2013]. Sec. 0.3: Notwithstanding the amendments made to section  
 29 1 of this chapter by P.L.105-2005, the following apply before July 1,  
 30 2010:

31 (1) To be eligible to graduate from high school, each student is  
 32 required to meet:

33 (A) the academic standards tested in the graduation  
 34 examination; and

35 (B) any additional requirements established by the governing  
 36 body.

37 (2) A student who does not meet the academic standards tested in  
 38 the graduation examination shall be given the opportunity to be  
 39 tested during each semester of each grade following the grade in  
 40 which the student is initially tested until the student achieves a  
 41 passing score.

42 (3) A student who does not achieve a passing score on the  
 43 graduation examination may be eligible to graduate if all the  
 44 following occur:

45 (A) The principal of the school the student attends certifies  
 46 that the student will within one (1) month of the student's  
 47 scheduled graduation date successfully complete all  
 48 components of the Core 40 curriculum as established by the  
 49 Indiana state board of education under IC 20-30-10.

50 (B) The student otherwise satisfies all state and local  
 51 graduation requirements.



- 1 (4) A student who does not achieve a passing score on the  
 2 graduation examination and who does not meet the requirements  
 3 of subdivision (3) may be eligible to graduate if the student does  
 4 all the following:
- 5 (A) Takes the graduation examination in each subject area in  
 6 which the student did not achieve a passing score at least one  
 7 (1) time every school year after the school year in which the  
 8 student first takes the graduation examination.
  - 9 (B) Completes remediation opportunities provided to the  
 10 student by the student's school.
  - 11 (C) Maintains a school attendance rate of at least ninety-five  
 12 percent (95%) with excused absences not counting against the  
 13 student's attendance.
  - 14 (D) Maintains at least a "C" average or the equivalent in the  
 15 courses comprising the credits specifically required for  
 16 graduation by rule of the board.
  - 17 (E) Obtains a written recommendation from a teacher of the  
 18 student in each subject area in which the student has not  
 19 achieved a passing score. The recommendation must:
    - 20 (i) be concurred in by the principal of the student's school;
    - 21 and
    - 22 (ii) be supported by documentation that the student has  
 23 attained the academic standard in the subject area based  
 24 upon tests other than the graduation examination or  
 25 classroom work.
  - 26 (F) Otherwise satisfies all state and local graduation  
 27 requirements.
- 28 (5) This subdivision applies to a student who is a child with a  
 29 disability (as defined in IC 20-35-1-2). If the student does not  
 30 achieve a passing score on the graduation examination, the  
 31 student's case conference committee may determine that the  
 32 student is eligible to graduate if the case conference committee  
 33 finds the following:
- 34 (A) The student's teacher of record, in consultation with a  
 35 teacher of the student in each subject area in which the student  
 36 has not achieved a passing score, makes a written  
 37 recommendation to the case conference committee. The  
 38 recommendation must:
    - 39 (i) be concurred in by the principal of the student's school;
    - 40 and
    - 41 (ii) be supported by documentation that the student has  
 42 attained the academic standard in the subject area based  
 43 upon tests other than the graduation examination or  
 44 classroom work.
  - 45 (B) The student meets all the following requirements:
    - 46 (i) Retakes the graduation examination in each subject area  
 47 in which the student did not achieve a passing score as often  
 48 as required by the student's individualized education  
 49 program.
    - 50 (ii) Completes remediation opportunities provided to the

1 student by the student's school to the extent required by the  
2 student's individualized education program.

3 (iii) Maintains a school attendance rate of at least ninety-five  
4 percent (95%) to the extent required by the student's  
5 individualized education program with excused absences not  
6 counting against the student's attendance.

7 (iv) Maintains at least a "C" average or the equivalent in the  
8 courses comprising the credits specifically required for  
9 graduation by rule of the board.

10 (v) Otherwise satisfies all state and local graduation  
11 requirements.

12 SECTION 7. IC 20-32-4-4, AS AMENDED BY P.L.185-2006,  
13 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
14 JULY 1, 2013]: Sec. 4. ~~Beginning with the 2005-2006 school year,~~ A  
15 student who does not achieve a passing score on the graduation  
16 examination and who does not meet the requirements of section 1 of  
17 this chapter may be eligible to graduate if the student does all the  
18 following:

19 (1) Takes the graduation examination in each subject area in  
20 which the student did not achieve a passing score at least one (1)  
21 time every school year after the school year in which the student  
22 first takes the graduation examination.

23 (2) Completes remediation opportunities provided to the student  
24 by the student's school.

25 (3) Maintains a school attendance rate of at least ninety-five  
26 percent (95%) with excused absences not counting against the  
27 student's attendance.

28 (4) Maintains at least a "C" average or the equivalent in the  
29 courses comprising the credits specifically required for graduation  
30 by rule of the state board.

31 (5) Otherwise satisfies all state and local graduation requirements.

32 (6) Either:

33 (A) completes:

34 (i) the course and credit requirements for a general diploma,  
35 including the career academic sequence;

36 (ii) a workforce readiness assessment; and

37 (iii) at least one (1) ~~career exploration internship,~~  
38 ~~cooperative education, or workforce credential~~  
39 ~~recommended by the student's school; industry~~  
40 **certification that appears on the state board's approved**  
41 **industry certification list, which must be updated**  
42 **annually with recommendations from the department of**  
43 **workforce development established by IC 22-4.1-2-1; or**

44 (B) obtains a written recommendation from a teacher of the  
45 student in each subject area in which the student has not  
46 achieved a passing score on the graduation examination. The  
47 written recommendation must **be aligned with the governing**  
48 **body's relevant policy and must** be concurred in by the  
49 principal of the student's school and be supported by  
50 documentation that the student has attained the academic

1 standard in the subject area based on:

- 2 (i) tests other than the graduation examination; or  
 3 (ii) classroom work.

4 SECTION 8. IC 20-32-4-5, AS ADDED BY P.L.1-2005, SECTION  
 5 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
 6 2013]: Sec. 5. (a) This section applies to a student who is a child with  
 7 a disability (as defined in IC 20-35-1-2).

8 (b) If the student does not achieve a passing score on the graduation  
 9 examination, the student's case conference committee may determine  
 10 that the student is eligible to graduate if the case conference committee  
 11 finds the following:

12 (1) The student's teacher of record, in consultation with a teacher  
 13 of the student in each subject area in which the student has not  
 14 achieved a passing score, makes a written recommendation to the  
 15 case conference committee. The recommendation must:

- 16 **(A) be aligned with the governing body's relevant policy;**  
 17 ~~(A)~~ **(B)** be concurred in by the principal of the student's  
 18 school; and  
 19 ~~(B)~~ **(C)** be supported by documentation that the student has  
 20 attained the academic standard in the subject area based on:  
 21 (i) tests other than the graduation examination; or  
 22 (ii) classroom work.

23 (2) The student meets all the following requirements:

- 24 (A) Retakes the graduation examination in each subject area  
 25 in which the student did not achieve a passing score as often  
 26 as required by the student's individualized education program.  
 27 (B) Completes remediation opportunities provided to the  
 28 student by the student's school to the extent required by the  
 29 student's individualized education program.  
 30 (C) Maintains a school attendance rate of at least ninety-five  
 31 percent (95%) to the extent required by the student's  
 32 individualized education program with excused absences not  
 33 counting against the student's attendance.  
 34 (D) Maintains at least a "C" average or the equivalent in the  
 35 courses comprising the credits specifically required for  
 36 graduation by rule of the state board.  
 37 (E) Otherwise satisfies all state and local graduation  
 38 requirements.

39 SECTION 9. IC 20-32-8-4, AS ADDED BY P.L.1-2005, SECTION  
 40 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
 41 2013]: Sec. 4. The remediation grant program is established to provide  
 42 grants to school corporations for the following:

- 43 (1) Remediation of students who score below academic standards.  
 44 (2) Preventive remediation for students who are at risk of falling  
 45 below academic standards.  
 46 (3) For students in a freeway school or freeway school corporation  
 47 who are assessed under a locally adopted assessment program  
 48 under IC 20-26-15-6(7):  
 49 (A) remediation of students who score below academic  
 50 standards under the locally adopted assessment program; and

(B) preventive remediation for students who are at risk of falling below academic standards under the locally adopted assessment program.

**(4) Targeted instruction of students to:**

(A) reduce the likelihood that a student may fail a graduation exam and require a graduation waiver under IC 20-32-4-4 or IC 20-32-4-5; or

(B) minimize the necessity of remedial work of students while the students attend postsecondary educational institutions or workforce training programs.

SECTION 10. IC 20-32-9 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]:

**Chapter 9. Postsecondary and Workforce Training Program Remediation Reduction**

**Sec. 1. Not later than July 1, 2013, the state board, in consultation with the:**

- (1) education roundtable established under IC 20-19-4-2;
- (2) commission for higher education established under IC 21-18-2-1;
- (3) department of workforce development established under IC 22-4.1-2-1; and
- (4) department;

shall develop guidelines to assist secondary schools in identifying a student who is likely to 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.

**Sec. 2. The guidelines established in section 1 of this chapter:**

- (1) must include indicators to assist school personnel in determining whether a student may be in need of supplemental instruction or remediation to minimize the student's need for remedial course work at a postsecondary educational institution or workforce training program;
- (2) must provide standards and guidelines for secondary school personnel to determine when a student is required to be assessed under section 3 of this chapter, including guidelines that include:
  - (A) a description of the school official who may make a determination to assess a student under section 3 of this chapter; and
  - (B) thresholds for determining whether a student who takes an examination under section 3 of this chapter requires additional remediation or additional instruction; and
- (3) may provide best practices and strategies for improving services and support provided by a school to assist a student in achieving the level of academic performance that is appropriate for the student's grade level to:
  - (A) reduce the likelihood that a student will fail a graduation exam and require a graduation waiver under

1           **IC 20-32-4-4 or IC 20-32-4-5; or**  
 2           **(B) minimize the necessity for postsecondary remedial**  
 3           **course work by the student.**

4           **Sec. 3. (a) If the appropriate secondary school official**  
 5           **determines, using the indicators established in section 2 of this**  
 6           **chapter, that a student before the spring semester, or the**  
 7           **equivalent, in grade 11:**

8           **(1) has failed a graduation exam and may require a**  
 9           **graduation waiver under IC 20-32-4-4 or IC 20-32-4-5; or**  
 10           **(2) will likely require remedial work at a postsecondary**  
 11           **educational institution or workforce training program;**

12           **the appropriate secondary school official shall require the student**  
 13           **to take a college and career readiness exam approved by the state**  
 14           **board in consultation with the department, the commission for**  
 15           **higher education established under IC 21-18-2-1, the education**  
 16           **roundtable established under IC 20-19-4-2, and the department of**  
 17           **workforce development under IC 22-4.1-2-1. The cost of the exam**  
 18           **shall be paid by the department.**

19           **(b) If a student is required to take an exam under subsection (a),**  
 20           **the appropriate school official shall make a determination based on**  
 21           **the guidelines established in section 2 of this chapter as to whether**  
 22           **the student is in need of additional instruction or remedial action**  
 23           **with respect to a particular subject matter covered in the exam. If**  
 24           **the appropriate school official determines that a student who takes**  
 25           **an exam under subsection (a) is in need of remediation or**  
 26           **supplemental instruction to prevent the need for remediation at a**  
 27           **postsecondary educational institution or workforce development**  
 28           **program, the appropriate school official shall inform the student's**  
 29           **parent:**

30           **(1) of the likelihood that the student will require remedial**  
 31           **course work;**

32           **(2) of the potential financial impact on the student or the**  
 33           **parent for the additional remedial course work described in**  
 34           **subdivision (1), including that the student may not be eligible**  
 35           **to receive state scholarships, grants, or assistance**  
 36           **administered by the commission for higher education; and**

37           **(3) of the additional time that may be required to earn a**  
 38           **degree;**

39           **while the student attends a postsecondary educational institution**  
 40           **or workforce development program. The appropriate secondary**  
 41           **school official may establish a remediation or supplemental**  
 42           **instruction plan with the student's parent.**

43           **(c) Before a student determined to need additional instruction**  
 44           **or remedial action under subsection (b) with respect to a particular**  
 45           **subject matter may enroll in a dual credit course under IC 21-43**  
 46           **in the same subject matter or a related subject matter, the student**  
 47           **may receive additional instruction or remedial course work and**  
 48           **must retake the examination described in subsection (a). If the**  
 49           **appropriate school official determines that the student no longer**  
 50           **requires additional instruction or remedial action under the**  
 51           **guidelines established under section 2 of this chapter after retaking**

1 the exam under this section, the student may enroll in a dual credit  
2 course under IC 21-43. The cost of the administration of the exam  
3 under this subsection shall be paid by the department.

4 **Sec. 4. (a)** The state board, in consultation with the department,  
5 shall develop criteria to be used by the department to identify  
6 secondary schools with the highest graduation waiver rate  
7 percentages in Indiana that may require the establishment of a  
8 school wide remediation plan.

9 **(b)** Beginning in the 2013-2014 school year, the department shall  
10 identify schools that must be placed on notice under subsections (c)  
11 and (d) using the criteria established under subsection (a).

12 **(c)** This subsection applies the first year a school is identified  
13 under subsection (b). The state board shall place the school and the  
14 school corporation on notice that the school has exceeded the  
15 percentage of graduation waivers determined under subsection (a).  
16 Upon receiving notice that the school exceeded the percentage of  
17 graduation waivers, the school shall develop a school wide  
18 remediation plan developed by the school corporation and submit  
19 the plan to the department.

20 **(d)** This subsection applies if, in the second or a subsequent year  
21 after the initial identification under subsection (b), a school  
22 continues to be identified under subsection (b). The state board  
23 shall place the school and the school corporation on notice that the  
24 school has exceeded the percentage of graduation waivers  
25 determined by the criteria established in subsection (a). Upon  
26 receiving notice that the school exceeded the percentage of  
27 graduation waivers, the school shall collaborate with the  
28 department to develop and implement a revised school wide  
29 remediation plan.

30 SECTION 11. IC 20-33-2-28.6 IS ADDED TO THE INDIANA  
31 CODE AS A NEW SECTION TO READ AS FOLLOWS  
32 [EFFECTIVE JULY 1, 2013]: **Sec. 28.6. (a)** This section applies to a  
33 high school student who is transferring to a nonaccredited  
34 nonpublic school.

35 **(b)** Before a student withdraws from a public school, the  
36 principal of the student's school shall provide to the student and to  
37 the student's parent information on a form developed by the  
38 department and approved by the state board that explains the legal  
39 requirements of attending a nonaccredited nonpublic school  
40 located in Indiana. The principal and a parent of the student shall  
41 both sign the form to acknowledge that the parent understands the  
42 content of the form.

43 **(c)** If the parent of the student refuses to sign the form provided  
44 by the principal under subsection (b), the student is considered a  
45 dropout and the principal shall report the student to the bureau of  
46 motor vehicles for action under section 28.5(g) of this chapter. The  
47 student is considered a dropout for purposes of calculating a high  
48 school's graduation rate under IC 20-26-13-10.

49 SECTION 12. IC 21-18.5-4-8.5 IS ADDED TO THE INDIANA  
50 CODE AS A NEW SECTION TO READ AS FOLLOWS  
51 [EFFECTIVE JULY 1, 2013]: **Sec. 8.5. (a)** This section does not

- 1 apply to a student who:
- 2 (1) receives a graduation waiver under IC 20-32-4-4; and
- 3 (2) receives a general diploma by satisfying the conditions set
- 4 forth in IC 20-32-4-4, including, with respect to
- 5 IC 20-32-4-4(6), the condition set forth in IC 20-32-4-4(6)(B);
- 6 if the student has an individualized education program under
- 7 IC 20-35-7.
- 8 (b) Except as provided in subsection (a), this section applies to
- 9 a student who receives a graduation waiver under IC 20-32-4-4
- 10 after June 30, 2014.
- 11 (c) Notwithstanding any other law, and except as provided in
- 12 subsection (e), a student who:
- 13 (1) receives a graduation waiver under IC 20-32-4-4; and
- 14 (2) receives a general diploma by satisfying the conditions set
- 15 forth in IC 20-32-4-4, including, with respect to
- 16 IC 20-32-4-4(6), the condition set forth in IC 20-32-4-4(6)(B);
- 17 is disqualified from receiving state scholarships, grants, or
- 18 assistance administered by the commission unless the student
- 19 passes a college and career readiness exam described in
- 20 IC 20-32-9-3.
- 21 (d) The college and career readiness exam taken by a student
- 22 under subsection (c) shall be administered by the secondary school
- 23 that granted the student the graduation waiver. The cost of the
- 24 exam shall be paid by the department.
- 25 (e) A student described in subsection (c) is not disqualified from
- 26 receiving state scholarships, grants, or assistance administered by
- 27 the commission for credit bearing degree seeking courses, as
- 28 mutually defined by the commission and the postsecondary
- 29 educational institution offering the course.
- 30 SECTION 13. IC 21-43-4-13, AS AMENDED BY SEA 406-2013,
- 31 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 32 JULY 1, 2013]: Sec. 13. If a student enrolls in a concurrent enrollment
- 33 college course, a postsecondary course taught by a faculty member of
- 34 the eligible institution at the high school, or an early college program
- 35 offered by an eligible institution, the eligible institution and the
- 36 student's school corporation shall enter into a contract for the
- 37 postsecondary enrollment opportunity. The contract must establish the
- 38 terms and conditions under which:
- 39 (1) **except as provided in section 15 of this chapter**, the eligible
- 40 institution will award credit for specified classes successfully
- 41 completed by students in the school corporation; and
- 42 (2) the school corporation will award credit for specified classes
- 43 successfully completed by students at the eligible institution.
- 44 SECTION 14. IC 21-43-4-15, AS AMENDED BY SEA 406-2013,
- 45 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 46 JULY 1, 2013]: Sec. 15. (a) **Except as provided in subsection (b)**, a
- 47 student is entitled to receive postsecondary credit toward meeting the
- 48 degree requirements at the eligible institution offering a postsecondary
- 49 enrollment opportunity upon the student's successful completion of a
- 50 course.
- 51 (b) **This subsection applies to a course taught in a high school**

1 setting in which a student enrolls after June 30, 2014. A student  
2 must achieve at least the equivalent of a 2.0 on a 4.0 unweighted  
3 grading scale, as established by the eligible institution, in order for  
4 the student to receive postsecondary credit for the course. If the  
5 student achieves less than the equivalent of a 2.0 on a 4.0  
6 unweighted grading scale, as established by the eligible institution,  
7 the dual credit teacher shall not submit the grade for the dual  
8 credit course to the eligible institution.

9 SECTION 16. [EFFECTIVE UPON PASSAGE] (a) The Indiana  
10 state board of education established by IC 20-19-2-2, in  
11 consultation with the:

12 (1) education roundtable established by IC 20-19-4-2;

13 (2) commission for higher education established by  
14 IC 21-18-2-1;

15 (3) department of workforce development established by  
16 IC 22-4.1-2-1; and

17 (4) department of education established by IC 20-19-3-1;  
18 shall begin developing the guidelines described in IC 20-32-9-1, as  
19 added by this act, in the manner described in IC 20-32-9, as added  
20 by this act. The guidelines must be completed by July 1, 2013.

21 (b) This SECTION expires January 1, 2014.

22 SECTION 17. An emergency is declared for this act.

(Reference is to EHB 1005 as reprinted April 5, 2013.)



**Conference Committee Report**  
**on**  
**Engrossed House Bill 1005**

**S**igned by:

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Representative Clere  
Chairperson

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Senator Yoder

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Representative Smith V

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Senator Rogers

**House Conferees**

**Senate Conferees**