

First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

## HOUSE ENROLLED ACT No. 1005

AN ACT to amend the Indiana Code concerning education.

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

SECTION 1. IC 20-26-13-10, AS AMENDED BY P.L.43-2009, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 10. Except as provided in section 11 of this chapter, the four (4) year graduation rate for a cohort in a high school is the percentage determined under STEP FIVE of the following formula:

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

STEP TWO: Add:

(A) the number determined under STEP ONE; and

(B) the number of students who:

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

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

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

(A) Transfer to another public or nonpublic school.

(B) **Except as provided in IC 20-33-2-28.6**, removal by the

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student's parents under IC 20-33-2-28 to provide instruction equivalent to that given in the public schools.

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

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

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

(F) Enrollment in a virtual school.

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

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

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

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

STEP FIVE: Divide:

(A) the number determined under STEP FOUR; by

(B) the remainder determined under STEP THREE.

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

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

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

**(1) teacher assigned to the student for remediation in each subject area in which the student has not achieved a passing**

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score on the graduation examination;  
 (2) parents of the student; and  
 (3) student;  
 to discuss available remediation and to plan to meet the requirements under IC 20-32-4.

SECTION 3. IC 20-31-5-6, AS AMENDED BY SEA 338-2013, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 6. (a) This section does not apply to a school that is designated in the top category or designation of school improvement under IC 20-31-8-4 in the year immediately preceding the year in which the school's initial plan is implemented. A plan must contain the following components for the school:

- (1) A list of the statutes and rules that the school wishes to have suspended from operation for the school.
  - (2) A description of the curriculum and information concerning the location of a copy of the curriculum that is available for inspection by members of the public.
  - (3) A description and name of the assessments that will be used in the school in addition to ISTEP program assessments.
  - (4) A plan to be submitted to the governing body and made available to all interested members of the public in an easily understood format.
  - (5) A provision to maximize parental participation in the school, which may include providing parents with:
    - (A) access to learning aids to assist students with school work at home;
    - (B) information on home study techniques; and
    - (C) access to school resources.
  - (6) For a secondary school, a provision to do the following:
    - (A) Offer courses that allow all students to become eligible to receive an academic honors diploma.
    - (B) Encourage all students to earn an academic honors diploma or complete the Core 40 curriculum.
    - (C) **Reduce the number of graduation exam waivers granted to graduates.**
  - (7) A provision to maintain a safe and disciplined learning environment for students and teachers that complies with the governing body's plan for improving student behavior and discipline developed under IC 20-26-5-32.
  - (8) A provision for the coordination of technology initiatives and ongoing professional development activities.
- (b) If, for a purpose other than a plan under this chapter, a school

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has developed materials that are substantially similar to a component listed in subsection (a), the school may substitute those materials for the component listed in subsection (a).

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

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

- (1) performance indicators to be used as a secondary means of determining school progress;
- (2) expected progress levels, continuous improvement measures, distributional performance levels, and absolute performance levels for schools; and
- (3) an orderly transition from the performance based accreditation system to the assessment system set forth in this article.

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

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

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

**when making recommendations under this section.**

SECTION 5. IC 20-32-4-0.3 IS REPEALED [EFFECTIVE JULY 1, 2013]. Sec. 0.3: Notwithstanding the amendments made to section 1 of this chapter by P.L.105-2005, the following apply before July 1, 2010:

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

- (A) the academic standards tested in the graduation examination; and
- (B) any additional requirements established by the governing body.

(2) A student who does not meet the academic standards tested in the graduation examination shall be given the opportunity to be tested during each semester of each grade following the grade in

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which the student is initially tested until the student achieves a passing score.

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

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

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

(4) A student who does not achieve a passing score on the graduation examination and who does not meet the requirements of subdivision (3) may be eligible to graduate if the student does all the following:

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

(B) Completes remediation opportunities provided to the student by the student's school.

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

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

(E) Obtains a written recommendation from a teacher of the student in each subject area in which the student has not achieved a passing score. The recommendation must:

(i) be concurred in by the principal of the student's school; and

(ii) be supported by documentation that the student has attained the academic standard in the subject area based upon tests other than the graduation examination or classroom work.

(F) Otherwise satisfies all state and local graduation requirements.

(5) This subdivision applies to a student who is a child with a disability (as defined in IC 20-35-1-2). If the student does not achieve a passing score on the graduation examination, the

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student's case conference committee may determine that the student is eligible to graduate if the case conference committee finds the following:

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

(i) be concurred in by the principal of the student's school; and

(ii) be supported by documentation that the student has attained the academic standard in the subject area based upon tests other than the graduation examination or classroom work.

(B) The student meets all the following requirements:

(i) Retakes the graduation examination in each subject area in which the student did not achieve a passing score as often as required by the student's individualized education program.

(ii) Completes remediation opportunities provided to the student by the student's school to the extent required by the student's individualized education program.

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

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

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

SECTION 6. IC 20-32-4-4, AS AMENDED BY P.L.185-2006, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4. Beginning with the 2005-2006 school year, A student who does not achieve a passing score on the graduation examination and who does not meet the requirements of section 1 of this chapter may be eligible to graduate if the student does all the following:

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



- (2) Completes remediation opportunities provided to the student by the student's school.
- (3) Maintains a school attendance rate of at least ninety-five percent (95%) with excused absences not counting against the student's attendance.
- (4) Maintains at least a "C" average or the equivalent in the courses comprising the credits specifically required for graduation by rule of the state board.
- (5) Otherwise satisfies all state and local graduation requirements.
- (6) Either:
  - (A) completes:
    - (i) the course and credit requirements for a general diploma, including the career academic sequence;
    - (ii) a workforce readiness assessment; and
    - (iii) at least one (1) ~~career exploration internship, cooperative education, or workforce credential recommended by the student's school;~~ **industry certification that appears on the state board's approved industry certification list, which must be updated annually with recommendations from the department of workforce development established by IC 22-4.1-2-1;** or
  - (B) obtains a written recommendation from a teacher of the student in each subject area in which the student has not achieved a passing score on the graduation examination. The written recommendation must **be aligned with the governing body's relevant policy and must** be concurred in by the principal of the student's school and be supported by documentation that the student has attained the academic standard in the subject area based on:
    - (i) tests other than the graduation examination; or
    - (ii) classroom work.

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

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

- (1) The student's teacher of record, in consultation with a teacher of the student in each subject area in which the student has not achieved a passing score, makes a written recommendation to the

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case conference committee. The recommendation must:

- (A) be aligned with the governing body's relevant policy;**
- ~~(A)~~ **(B)** be concurred in by the principal of the student's school; and
- ~~(B)~~ **(C)** be supported by documentation that the student has attained the academic standard in the subject area based on:
  - (i) tests other than the graduation examination; or
  - (ii) classroom work.
- (2) The student meets all the following requirements:
  - (A) Retakes the graduation examination in each subject area in which the student did not achieve a passing score as often as required by the student's individualized education program.
  - (B) Completes remediation opportunities provided to the student by the student's school to the extent required by the student's individualized education program.
  - (C) Maintains a school attendance rate of at least ninety-five percent (95%) to the extent required by the student's individualized education program with excused absences not counting against the student's attendance.
  - (D) Maintains at least a "C" average or the equivalent in the courses comprising the credits specifically required for graduation by rule of the state board.
  - (E) Otherwise satisfies all state and local graduation requirements.

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

- (1) Remediation of students who score below academic standards.
- (2) Preventive remediation for students who are at risk of falling below academic standards.
- (3) For students in a freeway school or freeway school corporation who are assessed under a locally adopted assessment program under IC 20-26-15-6(7):
  - (A) remediation of students who score below academic 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 9. 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

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

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

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

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

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

- (1) of the likelihood that the student will require remedial course work;
- (2) of the potential financial impact on the student or the parent for the additional remedial course work described in subdivision (1), including that the student may not be eligible to receive state scholarships, grants, or assistance administered by the commission for higher education; and
- (3) of the additional time that may be required to earn a degree;

while the student attends a postsecondary educational institution



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or workforce development program. The appropriate secondary school official may establish a remediation or supplemental instruction plan with the student's parent.

(c) Before a student determined to need additional instruction or remedial action under subsection (b) with respect to a particular subject matter may enroll in a dual credit course under IC 21-43 in the same subject matter or a related subject matter, the student may receive additional instruction or remedial course work and must retake the examination described in subsection (a). If the appropriate school official determines that the student no longer requires additional instruction or remedial action under the guidelines established under section 2 of this chapter after retaking the exam under this section, the student may enroll in a dual credit course under IC 21-43. The cost of the administration of the exam under this subsection shall be paid by the department.

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

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

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

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

SECTION 10. IC 20-33-2-28.6 IS ADDED TO THE INDIANA



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CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 28.6. (a) This section applies to a high school student who is transferring to a nonaccredited nonpublic school.**

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

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

SECTION 11. IC 21-18.5-4-8.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 8.5. (a) This section does not apply to a student who:**

**(1) receives a graduation waiver under IC 20-32-4-4; and**  
**(2) receives a general diploma by satisfying the conditions set forth in IC 20-32-4-4, including, with respect to IC 20-32-4-4(6), the condition set forth in IC 20-32-4-4(6)(B);**  
**if the student has an individualized education program under IC 20-35-7.**

**(b) Except as provided in subsection (a), this section applies to a student who receives a graduation waiver under IC 20-32-4-4 after June 30, 2014.**

**(c) Notwithstanding any other law, and except as provided in subsection (e), a student who:**

**(1) receives a graduation waiver under IC 20-32-4-4; and**  
**(2) receives a general diploma by satisfying the conditions set forth in IC 20-32-4-4, including, with respect to IC 20-32-4-4(6), the condition set forth in IC 20-32-4-4(6)(B);**  
**is disqualified from receiving state scholarships, grants, or assistance administered by the commission unless the student passes a college and career readiness exam described in IC 20-32-9-3.**

**(d) The college and career readiness exam taken by a student**

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under subsection (c) shall be administered by the secondary school that granted the student the graduation waiver. The cost of the exam shall be paid by the department.

(e) A student described in subsection (c) is not disqualified from receiving state scholarships, grants, or assistance administered by the commission for credit bearing degree seeking courses, as mutually defined by the commission and the postsecondary educational institution offering the course.

SECTION 12. IC 21-43-4-13, AS AMENDED BY SEA 406-2013, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 13. If a student enrolls in a concurrent enrollment college course, a postsecondary course taught by a faculty member of the eligible institution at the high school, or an early college program offered by an eligible institution, the eligible institution and the student's school corporation shall enter into a contract for the postsecondary enrollment opportunity. The contract must establish the terms and conditions under which:

- (1) **except as provided in section 15 of this chapter**, the eligible institution will award credit for specified classes successfully completed by students in the school corporation; and
- (2) the school corporation will award credit for specified classes successfully completed by students at the eligible institution.

SECTION 13. IC 21-43-4-15, AS AMENDED BY SEA 406-2013, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 15. (a) **Except as provided in subsection (b)**, a student is entitled to receive postsecondary credit toward meeting the degree requirements at the eligible institution offering a postsecondary enrollment opportunity upon the student's successful completion of a course.

(b) **This subsection applies to a course taught in a high school setting in which a student enrolls after June 30, 2014. A student must achieve at least the equivalent of a 2.0 on a 4.0 unweighted grading scale, as established by the eligible institution, in order for the student to receive postsecondary credit for the course. If the student achieves less than the equivalent of a 2.0 on a 4.0 unweighted grading scale, as established by the eligible institution, the dual credit teacher shall not submit the grade for the dual credit course to the eligible institution.**

SECTION 14. [EFFECTIVE UPON PASSAGE] (a) **The Indiana state board of education established by IC 20-19-2-2, in consultation with the:**

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



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

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

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

(b) This SECTION expires January 1, 2014.

SECTION 15. An emergency is declared for this act.

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Speaker of the House of Representatives

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President of the Senate

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President Pro Tempore

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

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