March 12, 1999

ENGROSSED
HOUSE BILL No. 1050

DIGEST OF HB 1050 (Updated February 22, 1999 4:16 pm - DI 02)

Citations Affected: IC 20-10.1; noncode.

Synopsis: High school graduation. For public and accredited nonpublic high schools, requires the Indiana state board of education to adopt rules to establish the minimum requirements for a general high school program, a Core 40 high school program, and an Indiana academic honors high school program. Requires these high schools to offer the general program, the Core 40 program, and the Indiana academic honors program. Requires these high schools to put ISTEP+ seals on the diplomas of students who receive passing scores on the graduation

(Continued next page)

Effective: July 1, 1999.

Robertson, Porter, Kruse, Bosma

(SENATE SPONSORS — LUBBERS, ROGERS, SIPES, SERVER, ALTING)

January 6, 1999, read first time and referred to Committee on Education.
January 25, 1999, amended, reported — Do Pass.
February 18, 1999, read second time, amended, ordered engrossed.
February 19, 1999, engrossed.
February 22, 1999, read third time, referred to Committee of One, amended, passed. Yeas 98, nays 0.
February 23, 1999, re-engrossed.

SENATE ACTION

February 25, 1999, read first time and referred to Committee on Education.
March 11, 1999, reported favorably — Do Pass.

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examination, Core 40 seals on the diplomas of students who successfully complete the Core 40 program, and Indiana academic honors seals on the diplomas of students who successfully complete the Indiana academic honors program. Allows governing bodies to offer additional locally developed diploma seal programs. Provides that a student is entitled to receive all diploma seals for which the student qualifies. Removes the ability of the Indiana state board of education to adopt rules to establish waiver procedures for the graduation examination requirement. Puts into statute the current rule that provides eligibility for graduation for certain students who do not receive a passing score on the graduation examination but meet other specific requirements. Provides that the case conference committee determines eligibility for graduation of certain students with disabilities. Provides that each student in grade 10 must take a graduation examination. Requires the Indiana state board of education to adopt rules to establish when a student is considered to be in grade 10 for purposes of taking the graduation examination.

C o p y

March 12, 1999

First Regular Session 111th General Assembly (1999)

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 1998 General Assembly.

C o p y

ENGROSSED
HOUSE BILL No. 1050

A BILL FOR AN ACT to amend the Indiana Code concerning education.

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

SECTION 1. IC 20-10.1-4.9 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]:

Chapter 4.9. High School Diploma and Diploma Seals

Sec. 1. This chapter applies to:

(1) public high schools; and

(2) accredited nonpublic high schools.

Sec. 2. As used in this chapter, "diploma" means a certificate of graduation that:

(1) a governing body issues to a student; and

(2) certifies that the student has satisfied:

(A) the minimum requirements of a high school program established under this chapter; and

(B) all other requirements for graduation under:

(i) statute;

(ii) rule; and

(iii) governing body policy.

Sec. 3. As used in this chapter, "diploma seal" means an appropriate indicator that:

(1) is imprinted, impressed, or otherwise affixed to a student's diploma;

(2) specifies the high school program that the indicator represents; and

(3) certifies that the student has satisfied the minimum requirements for receiving a diploma with the indicator.

Sec. 4. Notwithstanding IC 20-10.1-1-5, as used in this chapter, "governing body" refers to the:

(1) governing body of a school corporation; or

(2) governing authority of a nonpublic school;

whichever is applicable.

Sec. 5. As used in this chapter, "high school program" means a specific series and number of courses that meet the following requirements:

(1) Comprise a defined curriculum.

(2) Are established by at least one (1) of the following:

(A) Statute.

(B) Rules adopted by the board.

(C) The governing body.

(3) When satisfactorily completed by a student, fulfill the academic requirements for a student to do the following:

(A) Graduate from high school.

(B) Be issued a diploma.

Sec. 6. As used in this chapter, "school" refers to the following:

(1) A public school.

(2) An accredited nonpublic school.

Sec. 7. The board shall adopt rules under IC 4-22-2 to establish minimum requirements for the following high school programs:

(1) A general high school program.

(2) A Core 40 high school program that is a college preparation program.

(3) An Indiana academic honors high school program that includes the following:

(A) A rigorous academic program of study.

(B) A specified minimum grade point average.

Sec. 8. A governing body must offer the following high school programs established under section 7 of this chapter:

(1) A general high school program.

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(2) A Core 40 high school program.

(3) An Indiana academic honors high school program.

Sec. 9. A governing body must provide the following:

(1) An ISTEP+ diploma seal to a student who receives:

(A) a diploma; and

(B) a passing score on the graduation examination (as defined in IC 20-10.1-16-1.5).

(2) A Core 40 diploma seal to a student who:

(A) receives a diploma; and

(B) successfully completes the Core 40 high school program.

(3) An Indiana academic honors diploma seal to a student who:

(A) receives a diploma; and

(B) successfully completes the Indiana academic honors high school program.

Sec. 10. A governing body may establish and offer a high school program that upon successful completion results in the issuance of a diploma seal that differs from the diploma seals listed in section 9 of this chapter. However, a high school program that a governing body establishes under this section must exceed the requirements that the board establishes for a general high school program under section 7(a)(1) of this chapter.

Sec. 11. There is no limit on the number of diploma seals for which a student may qualify. The governing body shall issue to a student a diploma seal for each high school program the student successfully completes.

SECTION 2. IC 20-10.1-16-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 8. (a) The state superintendent shall develop an ISTEP program testing schedule in which:

(1) each student in grades 3, 6, 8, and 10 must be tested; and

(2) each student **in grade 10** must take a graduation examination. **The board shall adopt rules to establish when a student is considered to be in grade 10 for purposes of initially taking the graduation examination.**

(b) A student who is a child with a disability (as defined in IC 20-1-6-1) shall be tested under this chapter with appropriate accommodations in testing materials and procedures unless the individuals who develop the child's individualized education program determine that testing under this chapter, or a part of the testing, is not appropriate for the student and that an alternate assessment will be

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used to test the student's achievement.

(c) Any decision with regard to a student who is a child with a disability (as defined in IC 20-1-6-1) to participate in testing under this chapter, to receive accommodations in testing materials and ~~**procedure,**~~ **procedures,** to participate in remediation under IC 20-10.1-17, or to be retained at the same grade level for consecutive school years shall be made in accordance with the child's individualized education program, subject to the ISTEP program manual, and federal law.

SECTION 3. IC 20-10.1-16-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 13. (a) Beginning with the class of students who expect to graduate during the 1999-2000 school year, each student is required to meet:

(1) the ~~educational proficiency~~ **academic** standard tested in the graduation examination; and

(2) any additional requirements established by the governing body;

to be eligible to graduate.

(b) A student who does not meet the ~~educational proficiency~~ **academic** standard tested in the graduation examination shall be given the opportunity to be tested during each semester of each grade following the grade in which the student is initially tested until the student achieves a passing score.

~~(c) The board shall develop and adopt a procedure to enable students who:~~

~~(1) undergo the graduation examination; and~~

~~(2) do not receive a passing score on the graduation examination; to appeal their particular results. The rules adopted by the board must provide for the specific eligible bases for which an appeal may be made and must include as one (1) basis for which an appeal may be made the submission by the appellant student of written evidence indicating that the student's teacher in areas tested by the graduation examination and principal, in their professional judgment, believe that the student's graduation examination results do not accurately reflect the student's attainment of the educational proficiency standard.~~

~~(d)~~ **(c)** A student who does not ~~meet the educational proficiency standard tested in~~ **achieve a passing score on** the graduation examination may

~~(1) have the educational proficiency standard requirement waived and~~

~~(2)~~ be eligible to graduate

if **the following occur:**

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(1) 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 board under IC 20-10.1-5.7-1.

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

(d) A student who does not achieve a passing score on the graduation examination and who does not meet the requirements of subsection (c) may be eligible to graduate if the student does 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 board.

(5) 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:

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

(B) be supported by documentation that the student has attained the academic standard in the subject area based upon:

(i) tests other than the graduation examination; or

(ii) classroom work.

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

(e) This subsection applies to a student who is a child with a disability (as defined in IC 20-1-6-1). 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

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student has not achieved a passing score, makes a written recommendation to the case conference committee. The recommendation must:

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

(B) be supported by documentation that the student has attained the academic standard in the subject area based upon:

(i) tests other than the graduation examination; or

(ii) classroom work.

(2) The student meets 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 board.

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

~~(e) The state board of education shall determine the appropriate grade during which a student may initially undergo the graduation examination. The grade established under this subsection must be higher than grade 9.~~

SECTION 4. [EFFECTIVE JULY 1, 1999] **(a) The Indiana state board of education may adopt guidelines to establish minimum requirements for the diploma and diploma seals under IC 20-10.1-4.9, as added by this act. The guidelines adopted under this SECTION remain in effect until the board adopts rules under IC 20-10.1-4.9-7, as added by this act.**

(b) This SECTION expires July 1, 2001.

C o p y

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1050, 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 31, delete "(a)".

Page 2, line 34, delete "that requires the following" and insert "**.**".

Page 2, delete lines 35 through 41.

Page 3, delete lines 6 through 10.

Page 3, between lines 15 and 16, begin a new paragraph and insert:

"**Sec. 9. (a) A governing body must provide a diploma to a student who satisfies the minimum requirements for high school graduation.**".

Page 3, line 16, delete "Sec. 9." and insert "**(b)**".

Page 3, between lines 40 and 41, begin a new paragraph and insert:

"SECTION 2. IC 20-10.1-16-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 13. (a) Beginning with the class of students who expect to graduate during the 1999-2000 school year, each student is required to: ~~meet:~~

(1) ~~the educational proficiency standard tested in~~ **take** the graduation examination, **unless excused under other law**; and

(2) **meet** any additional requirements established by the governing body;

to be eligible to graduate.

(b) A student who does not meet the educational proficiency standard tested in the graduation examination shall be given the opportunity to be tested during each semester of each grade following the grade in which the student is initially tested until the student achieves a passing score.

(c) The board shall develop and adopt a procedure to enable students who:

(1) undergo the graduation examination; and

(2) do not receive a passing score on the graduation examination;

to appeal their particular results. The rules adopted by the board must provide for the specific eligible bases for which an appeal may be made and must include as one (1) basis for which an appeal may be made the submission by the appellant student of written evidence indicating that the student's teacher in areas tested by the graduation examination and principal, in their professional judgment, believe that the student's graduation examination results do not accurately reflect the student's attainment of the educational proficiency standard.

~~(d) A student who does not meet the educational proficiency~~

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~~standard tested in the graduation examination may:~~

~~(1) have the educational proficiency standard requirement waived; and~~

~~(2) be eligible to graduate;~~

~~if 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 board under IC 20-10.1-5.7-1.~~

~~(e)~~ **(d)** The state board of education shall determine the appropriate grade during which a student may initially undergo the graduation examination. The grade established under this subsection must be higher than grade 9." .

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1050 as introduced.)

PORTER, Chair

Committee Vote: yeas 7, nays 6.

C o p y

HOUSE MOTION

Mr. Speaker: I move that House Bill 1050 be amended to read as follows:

Page 3, delete lines 3 through 5.

Page 3, line 6, delete "(b)" and insert "**Sec. 9.**".

Page 3, line 6, delete "profide" and insert "**provide**".

Page 3, delete lines 31 through 42, begin a new paragraph and insert:

"SECTION 2. IC 20-10.1-16-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 13. (a) Beginning with the class of students who expect to graduate during the 1999-2000 school year, each student is required to meet:

(1) the ~~educational proficiency~~ **academic** standard tested in the graduation examination; and

(2) any additional requirements established by the governing body;

to be eligible to graduate.

(b) A student who does not meet the ~~educational proficiency~~ **academic** standard tested in the graduation examination shall be given the opportunity to be tested during each semester of each grade following the grade in which the student is initially tested until the student achieves a passing score.

~~(c) The board shall develop and adopt a procedure to enable students who:~~

~~(1) undergo the graduation examination; and~~

~~(2) do not receive a passing score on the graduation examination; to appeal their particular results. The rules adopted by the board must provide for the specific eligible bases for which an appeal may be made and must include as one (1) basis for which an appeal may be made the submission by the appellant student of written evidence indicating that the student's teacher in areas tested by the graduation examination and principal, in their professional judgment, believe that the student's graduation examination results do not accurately reflect the student's attainment of the educational proficiency standard.~~

~~(d)~~ **(c)** A student who does not ~~meet the educational proficiency standard tested in~~ **achieve a passing score on** the graduation examination may

~~(1) have the educational proficiency standard requirement waived and~~

~~(2)~~ be eligible to graduate

if **the following occur:**

(1) The principal of the school the student attends certifies that

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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 board under IC 20-10.1-5.7-1.

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

(d) A student who does not achieve a passing score on the graduation examination and who does not meet the requirements of subsection (c) may be eligible to graduate if the student does 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 board.

(5) 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:

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

(B) be supported by documentation that the student has attained the academic standard in the subject area based upon:

(i) tests other than the graduation examination; or

(ii) classroom work.

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

(e) This subsection applies to a student who is a child with a disability (as defined in IC 20-1-6-1). 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

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recommendation to the case conference committee. The recommendation must:

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

(B) be supported by documentation that the student has attained the academic standard in the subject area based upon:

(i) tests other than the graduation examination; or

(ii) classroom work.

(2) The student meets 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 board.

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

~~(e)~~ **(f)** The state board of education shall determine the appropriate grade during which a student may initially undergo the graduation examination. The grade established under this subsection must be higher than grade 9.".

Page 4, delete lines 1 through 27.

(Reference is to HB 1050 as printed February 11, 1999.)

ROBERTSON

C o p y

COMMITTEE REPORT

Mr. Speaker: Your Committee of One, to which was referred House Bill 1050, begs leave to report that said bill has been amended as directed.

BOSMA

C o p y

HOUSE MOTION

Mr. Speaker: I move that House Bill 1050 be recommitted to a Committee of One, Representative Bosma, with specific instructions to amend as follows:

Page 3, between lines 27 and 28, begin a new paragraph and insert:

"SECTION 2. IC 20-10.1-16-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 8. (a) The state superintendent shall develop an ISTEP program testing schedule in which:

(1) each student in grades 3, 6, 8, and 10 must be tested; and

(2) each student **in grade 10** must take a graduation examination. **The board shall adopt rules to establish when a student is considered to be in grade 10 for purposes of initially taking the graduation examination.**

(b) A student who is a child with a disability (as defined in IC 20-1-6-1) shall be tested under this chapter with appropriate accommodations in testing materials and procedures unless the individuals who develop the child's individualized education program determine that testing under this chapter, or a part of the testing, is not appropriate for the student and that an alternate assessment will be used to test the student's achievement.

(c) Any decision with regard to a student who is a child with a disability (as defined in IC 20-1-6-1) to participate in testing under this chapter, to receive accommodations in testing materials and ~~procedure,~~ **procedures,** to participate in remediation under IC 20-10.1-17, or to be retained at the same grade level for consecutive school years shall be made in accordance with the child's individualized education program, subject to the ISTEP program manual, and federal law.".

Page 6, line 4, delete "(f)".

Page 6, line 4, strike "The state board of education shall determine the appropriate".

Page 6, strike lines 5 through 7.

Renumber all SECTIONS consecutively.

(Reference is to HB 1050 as reprinted February 19, 1999.)

BOSMA

C o p y

SENATE MOTION

Mr. President: I move that Senator Alting be added as cosponsor of Engrossed House Bill 1050.

LUBBERS

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COMMITTEE REPORT

Mr. President: The Senate Committee on Education, to which was referred House Bill No. 1050, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to House Bill 1050 as reprinted February 23, 1999.)

WEATHERWAX, Chairperson

Committee Vote: Yeas 7, Nays 1.

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