



Reprinted
March 17, 1999

ENGROSSED HOUSE BILL No. 1050

DIGEST OF HB 1050 (Updated March 16, 1999 3:32 pm - DI 02)

Citations Affected: IC 20-10.1.

Synopsis: High school graduation. 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 all 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
(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.
March 16, 1999, read second time, amended, ordered engrossed.

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Digest Continued

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.

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Reprinted
March 17, 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.

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:

- 1 SECTION 1. IC 20-10.1-16-8 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 8. (a) The state
3 superintendent shall develop an ISTEP program testing schedule in
4 which:
5 (1) each student in grades 3, 6, 8, and 10 must be tested; and
6 (2) each student **in grade 10** must take a graduation examination.
7 **The board shall adopt rules to establish when a student is**
8 **considered to be in grade 10 for purposes of initially taking the**
9 **graduation examination.**
10 (b) A student who is a child with a disability (as defined in
11 IC 20-1-6-1) shall be tested under this chapter with appropriate
12 accommodations in testing materials and procedures unless the
13 individuals who develop the child's individualized education program
14 determine that testing under this chapter, or a part of the testing, is not
15 appropriate for the student and that an alternate assessment will be

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1 used to test the student's achievement.

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

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

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

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

18 to be eligible to graduate.

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

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

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

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

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

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

41 (2) be eligible to graduate

42 if **all of the following occur:**

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1 (1) The principal of the school the student attends certifies that
 2 the student will within one (1) month of the student's scheduled
 3 graduation date successfully complete all components of the Core
 4 40 curriculum as established by the board under IC 20-10.1-5.7-1.

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

7 (d) **A student who does not achieve a passing score on the
 8 graduation examination and who does not meet the requirements
 9 of subsection (c) may be eligible to graduate if the student does all
 10 of the following:**

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

15 (2) **Completes remediation opportunities provided to the
 16 student by the student's school.**

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

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

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

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

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

31 (i) **tests other than the graduation examination; or**

32 (ii) **classroom work.**

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

35 (e) **This subsection applies to a student who is a child with a
 36 disability (as defined in IC 20-1-6-1). If the student does not
 37 achieve a passing score on the graduation examination, the
 38 student's case conference committee may determine that the
 39 student is eligible to graduate if the case conference committee
 40 finds the following:**

41 (1) **The student's teacher of record, in consultation with a
 42 teacher of the student in each subject area in which the**

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

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

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

9 (i) tests other than the graduation examination; or

10 (ii) classroom work.

11 (2) The student meets all of the following requirements:

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

16 (B) Completes remediation opportunities provided to the
17 student by the student's school to the extent required by
18 the student's individualized education program.

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

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

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

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

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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.

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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.

(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

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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

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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

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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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SENATE MOTION

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

Page 1, delete lines 1 through 15.

Delete page 2.

Page 3, delete lines 1 through 27.

Page 4, line 42, after "if" insert "**all of**".

Page 5, line 9, after "does" insert "**all of**".

Page 6, line 11, after "meets" insert "**all of**".

Page 6, delete lines 32 through 38.

Re-number all SECTIONS consecutively.

(Reference is to EHB 1050 as printed March 12, 1999.)

LUBBERS

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