Reprinted
February 11, 2011

HOUSE BILL No. 1340

DIGEST OF HB 1340 (Updated February 10, 2011 11:44 am - DI 109)

Citations Affected: IC 11-14; IC 12-14; IC 12-20; IC 20-19; IC 20-20; IC 20-23; IC 20-26; IC 20-37; IC 21-11; IC 21-12; IC 21-14; IC 21-18; IC 21-43; IC 22-4; IC 22-4.1; IC 25-20; IC 35-50.

Synopsis: Adult education. Requires the state board of education (state board) to receive, distribute, and account for funds received for career and technical education under federal law. Assigns to the state board responsibility for the planning and implementation of secondary career and technical education. Requires the state board to develop and coordinate career and technical education on a regional and statewide basis and to prepare budget requests for state and federal funds for career and technical education. Creates the advisory committee on career and technical education. Allows the state workforce innovation council (council) to make recommendations concerning the budget requests for the state board's review. Adds an individual recognized by an adult education organization to the membership of the council. Assigns to the council responsibility for the general educational development (GED) diploma program and the planning and implementation of postsecondary career and technical education. Assigns responsibility for adult education to the council and the department of workforce development (DWD). Allows an adult education program to include a pathway to obtain a high school diploma. Repeals statutes: (1) establishing the commission for career and technical education; (2) assigning responsibility for the GED diploma program and adult education to the state board; (3) assigning responsibility for postsecondary career and technical education to the commission for higher education; and (4) assigning secondary career and technical education to the council and DWD. Makes conforming changes.

Effective: Upon passage.

Behning, Thompson, Klinker

January 13, 2011, read first time and referred to Committee on Education.
January 25, 2011, reported — Do Pass.
February 10, 2011, read second time, amended, ordered engrossed.

C o p y

Reprinted
February 11, 2011

First Regular Session 117th General Assembly (2011)

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 2010 Regular Session of the General Assembly.

C o p y

HOUSE BILL No. 1340

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

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

SECTION 1. IC 11-14-2-5, AS AMENDED BY P.L.1-2005, SECTION 126, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. The department shall adopt rules under IC 4-22-2 that ensure the boot camp provides the following for participants:

(1) A paramilitary environment emphasizing discipline, physical development, value modification, treatment intervention, and meaningful assignments.

(2) An opportunity for a participant to:

(A) learn self-discipline, self-respect, and personal accountability;

(B) acquire a positive work ethic and job skills; and

(C) form habits of cleanliness and hygiene.

(3) Treatment and counseling, if necessary, for the following:

(A) Drug and alcohol abuse.

(B) Emotional or mental problems.

(4) Education, including the following:

(A) Remedial programs.

(B) Programs in preparation for a state of Indiana general educational development (GED) diploma under IC 20-20-6 **(before its repeal) or IC 22-4.1-18.**

(C) Life skills.

(5) Vocational assessment designed to evaluate a participant's skill level and aptitudes for vocational and technical skill development.

SECTION 2. IC 12-14-5-2, AS AMENDED BY P.L.1-2005, SECTION 131, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. As used in this chapter, "state of Indiana general educational development (GED) diploma" means the state credential issued to a qualified applicant under IC 20-20-6 **(before its repeal) or IC 22-4.1-18.**

SECTION 3. IC 12-20-11-3, AS AMENDED BY P.L.2-2007, SECTION 161, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) If a township assistance recipient, after referral by the township trustee, is accepted and attends

(1) adult education courses under IC 20-30-6-1 **(before its repeal) or IC 22-4.1-18;** or

(2) courses at Ivy Tech Community College;

the township assistance recipient is exempt from performing work or searching for work for not more than one hundred eighty (180) days.

(b) The township trustee may reimburse a township assistance recipient for tuition expenses incurred in attending the courses described in subsection (a) if the recipient:

(1) has a proven aptitude for the courses being studied;

(2) was referred by the trustee;

(3) does not qualify for other tax supported educational programs;

(4) maintains a passing grade in each course; and

(5) maintains the minimum attendance requirements specified by the educational institution.

SECTION 4. IC 20-19-2-4.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 4.5. (a) The advisory committee on career and technical education is established to advise the state board on policy matters concerning career and technical education. The advisory committee on career and technical education consists of:**

(1) the state superintendent or the state superintendent's designee; and

(2) seven (7) members appointed by the state superintendent.

(b) The following provisions apply to members of the advisory

C o p y

committee on career and technical education:

(1) At least four (4) of the members must be actively employed as area career and technical education directors in schools in Indiana and hold a valid career and technical education director license.

(2) Not more than one (1) member may be from any secondary area district in Indiana.

(3) Members serve at the pleasure of the state superintendent.

(c) The state superintendent or the state superintendent's designee serves as the chairperson of the advisory committee on career and technical education.

SECTION 5. IC 20-19-2-19, AS AMENDED BY P.L.234-2007, SECTION 89, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19. **(a)** The state board

~~(1) is designated as the state agency to carry out the provisions of the act of Congress described in section 17 of this chapter, so far as the act relates to the cooperation of the state and federal government; and~~

~~(2) may take all necessary steps in:~~

~~(A) forming plans to promote education in agriculture, trades, and industries; and~~

~~(B) forming and executing plans to prepare teachers of career and technical subjects.~~

shall receive, distribute, and account for all funds received for career and technical education under the Carl D. Perkins Vocational and Applied Technology Act (20 U.S.C. 2301 et seq.).

(b) The state board may not expend or distribute funds received under subsection (a) unless those funds have been allocated by the general assembly.

SECTION 6. IC 20-20-7-9, AS ADDED BY P.L.1-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. The following individuals may apply for the issuance of a diploma to an eligible veteran under the program:

(1) An eligible veteran, including an eligible veteran who has received a general educational development (GED) diploma issued under IC 20-20-6 **(before its repeal) or IC 22-4.1-18,** or a similar diploma.

(2) An individual who is:

(A) the surviving spouse of; or

(B) otherwise related to;

an eligible veteran who is deceased.

SECTION 7. IC 20-20-38 IS ADDED TO THE INDIANA CODE

C o p y

AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 38. Career and Technical Education

Sec. 1. As used in this chapter, "career and technical education" means any secondary level vocational, agricultural, occupational, manpower, employment, or technical training or retraining that:

(1) enhances an individual's career potential and further education; and

(2) is accessible to individuals who desire to explore and learn for economic and personal growth leading to employment opportunities.

Sec. 2. As used in this chapter, "council" refers to the state workforce innovation council established by IC 22-4-18.1-3.

Sec. 3. As used in this chapter, "employment training" means all programs administered by the following:

(1) The council.

(2) The Indiana jobs training program.

(3) The department.

Sec. 4. (a) The state board shall develop and implement a long range state plan for a comprehensive secondary level career and technical education program in Indiana.

(b) The plan developed under this section must be updated as changes occur. The state board shall make the plan and any revisions made to the plan available to:

(1) the governor;

(2) the general assembly;

(3) the department of workforce development;

(4) the commission for higher education;

(5) the council;

(6) the Indiana commission on proprietary education; and

(7) any other appropriate state or federal agency.

A plan or revised plan submitted under this section to the general assembly must be in an electronic format under IC 5-14-6.

(c) The plan developed under this section must set forth specific goals for secondary level public career and technical education and must include the following:

(1) The preparation of each graduate for both employment and further education.

(2) Accessibility of career and technical education to individuals of all ages who desire to explore and learn for economic and personal growth.

(3) Projected employment opportunities in various career and

C o p y

technical education fields.

(4) A study of the supply of and the demand for a labor force skilled in particular career and technical education areas.

(5) A study of technological and economic change affecting Indiana.

(6) An analysis of the private career and education sector in Indiana.

(7) Recommendations for improvement in the state career and technical education program.

(8) The educational levels expected of career and technical education programs proposed to meet the projected employment needs.

Sec. 5. The state board shall do the following:

(1) Prepare biennially a plan for implementing career and technical education.

(2) Implement, to the best of its ability, the career and technical education plan prepared under subdivision (1).

(3) Investigate the funding of career and technical education on a cost basis.

(4) Establish and monitor the operation of secondary level career and technical education in Indiana in accordance with the comprehensive long range state plan developed under section 4 of this chapter.

(5) Establish a list of approved secondary level career and technical education courses in accordance with the workforce partnership plans under IC 22-4.1-14.

Sec. 6. The state board shall do the following:

(1) Make recommendations to the general assembly concerning the development, duplication, and accessibility of employment training and career and technical education on a regional and statewide basis.

(2) Consult with any state agency, commission, or organization that supervises or administers programs of career and technical education concerning the coordination of career and technical education, including the following:

(A) The Indiana economic development corporation.

(B) The council.

(C) A private industry council (as defined in 29 U.S.C. 1501 et seq.).

(D) The department of labor.

(E) The Indiana commission on proprietary education.

(F) The commission for higher education.

C o p y

(G) The department of workforce development.

(3) Review and make recommendations concerning plans submitted by the commission for higher education and the council. The state board may request the resubmission of plans or parts of plans that:

(A) are not consistent with the long range state plan of the state board;

(B) are incompatible with other plans within the system; or

(C) duplicate existing services.

(4) Report to the general assembly on the state board's conclusions and recommendations concerning interagency cooperation, coordination, and articulation of career and technical education and employment training. A report under this subdivision must be in an electronic format under IC 5-14-6.

(5) Study and develop a plan concerning the transition between secondary level career and technical education and postsecondary level career and technical education.

(6) Enter into agreements with the federal government that may be required as a condition of receiving federal funds under the Carl D. Perkins Vocational and Applied Technology Act (20 U.S.C. 2301 et seq.). An agreement entered into under this subdivision is subject to the approval of the budget agency.

Sec. 7. The state board may do the following:

(1) Make recommendations, including recommendations for policies to encourage involvement of minority groups in the career and technical education system in Indiana, to:

(A) the governor;

(B) the general assembly, in an electronic format under IC 5-14-6; and

(C) the various agencies, commissions, or organizations that administer career and technical education programs concerning all facets of career and technical education programming.

(2) Establish a regional planning and coordination system for career and technical education and employment training that will, either in whole or in part, serve career and technical education and employment training in Indiana.

(3) Appoint advisory committees whenever necessary.

(4) Contract for services necessary to carry out this chapter.

(5) Provide information and advice on career and technical

C o p y

education to a business, an industry, or a labor organization operating a job training program in the private sector.

Sec. 8. The state board shall adopt statewide systems or policies concerning the following as the systems or policies relate to the implementation of career and technical education programs:

(1) Student records.

(2) Data processing at the secondary level.

(3) An evaluation system that must be conducted by the state board at least annually and that evaluates the following as each relates to the career and technical education programs and courses offered at the secondary level:

(A) Graduation rates.

(B) Student placement rates.

(C) Retention rates.

(D) Enrollment.

(E) Student transfer rates to postsecondary educational institutions.

(F) When applicable, student performance on state licensing examinations or other external certification examinations.

(G) Cost data study.

(4) A system of financial audits to be conducted at least biennially at the secondary level.

Sec. 9. (a) The state board shall establish career and technical education evaluation criteria.

(b) Using the criteria established under subsection (a), the state board shall evaluate the effectiveness of career and technical education relative to the goals of the long range plan developed under section 4 of this chapter.

Sec. 10. The state board shall develop a definition for and report biennially to:

(1) the general assembly; and

(2) the governor;

on attrition and persistence rates by students enrolled in secondary career and technical education. A biennial report under this section to the general assembly must be in an electronic format under IC 5-14-6.

Sec. 11. Upon request of the budget director, the state board shall prepare a legislative budget request for state and federal funds for secondary and postsecondary career and technical education. The budget director shall determine the period to be covered by the budget request. This budget request must be made

C o p y

available to the council before the request's review by the budget committee.

Sec. 12. (a) The state board shall review the legislative budget requests for secondary and postsecondary career and technical education prepared by the state educational institutions.

(b) After the review under subsection (a) and a review of any recommendations from the council, the state board shall make recommendations to the budget committee concerning the appropriation of state funds and the allocation of federal funds for secondary and postsecondary career and technical education, including federal funds available under the Carl D. Perkins Vocational and Applied Technology Act (20 U.S.C. 2301 et seq.). The state board's recommendations concerning appropriations and allocations for secondary and postsecondary career and technical education by secondary schools and state educational institutions must specify:

(1) the minimum funding levels required by 20 U.S.C. 2301 et seq.;

(2) the categories of expenditures and the distribution plan or formula for secondary schools; and

(3) the categories of expenditures for each state educational institution.

(c) After reviewing the state board's recommendations and each agency's budget request, the budget committee shall make recommendations to the general assembly for funding to implement secondary and postsecondary career and technical education. The general assembly shall biennially appropriate state funds for secondary and postsecondary career and technical education and allocate federal funds available under 20 U.S.C. 2301 et seq. for secondary and postsecondary career and technical education. At least sixty percent (60%) of the federal funds available under 20 U.S.C. 2301 et seq. must be allocated to secondary level career and technical education to implement the long range state plan developed under section 4 of this chapter.

(d) The budget agency, with the advice of the state board and the budget committee, may augment or proportionately reduce an allocation of federal funds made under subsection (c).

Sec. 13. The state board shall distribute state funds made available for secondary and postsecondary career and technical education that have been appropriated by the general assembly and in accordance with the plan prepared by:

(1) the state board under section 5 of this chapter; and

C o p y

(2) the council under IC 22-4.1-19-4.

Sec. 14. (a) The state board may employ any staff necessary to perform the duties imposed by this chapter and fix the compensation and terms of that employment, subject to approval by the budget agency.

(b) The state board may authorize the department, whenever practical or necessary, to assist the state board in carrying out the duties prescribed by this chapter.

Sec. 15. The state board may adopt rules under IC 4-22-2 as necessary to carry out the duties imposed by this chapter.

SECTION 8. IC 20-23-14-5, AS ADDED BY P.L.230-2005, SECTION 81, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. To be eligible to be a candidate for the governing body under this chapter, the following apply:

(1) Each prospective candidate must file a nomination petition with the board of elections and registration not earlier than one hundred four (104) days and not later than noon seventy-four (74) days before the primary election at which the members are to be elected that includes the following information:

(A) The name of the prospective candidate.

(B) Whether the prospective candidate is a district candidate or an at-large candidate.

(C) A certification that the prospective candidate meets the qualifications for candidacy imposed under this chapter.

(D) The signatures of at least one hundred (100) registered voters residing in the school corporation.

(2) Each prospective candidate for a district position must:

(A) reside in the district; and

(B) have resided in the district for at least the three (3) years immediately preceding the election.

(3) Each prospective candidate for an at-large position must:

(A) reside in the school corporation; and

(B) have resided in the school corporation for at least the three (3) years immediately preceding the election.

(4) Each prospective candidate (regardless of whether the candidate is a district candidate or an at-large candidate) must:

(A) be a registered voter;

(B) have been a registered voter for at least the three (3) years immediately preceding the election; and

(C) be a high school graduate or have received a:

(i) high school equivalency certificate; or

(ii) state general educational development (GED) diploma

C o p y

under IC 20-20-6 **(before its repeal) or IC 22-4.1-18.**

(5) A prospective candidate may not:

(A) hold any other elective or appointive office; or

(B) have a pecuniary interest in any contract with the school corporation or its governing body;

as prohibited by law.

SECTION 9. IC 20-26-13-5, AS ADDED BY P.L.1-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) As used in this chapter, "graduation" means the successful completion by a student of:

(1) a sufficient number of academic credits, or the equivalent of academic credits; and

(2) the graduation examination or waiver process required under IC 20-32-3 through IC 20-32-6;

resulting in the awarding of a high school diploma or an academic honors diploma.

(b) The term does not include the granting of a general educational development diploma under IC 20-20-6 **(before its repeal) or IC 22-4.1-18.**

SECTION 10. IC 20-37-2-2, AS AMENDED BY P.L.234-2007, SECTION 124, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) A governing body may:

(1) establish career and technical education centers, schools, or departments in the manner approved by the state board; and

(2) maintain these schools or departments from the general fund.

(b) The governing body may include in the high school curriculum without additional state board approval any secondary level career and technical education course that is:

(1) included on the list of approved courses that the state board establishes under ~~IC 20-20-20-3;~~ **IC 20-20-38-5(5);** and

(2) approved under section 11 of this chapter, if applicable.

(c) The governing body shall notify the department and the department of workforce development whenever the governing body:

(1) includes an approved course for; or

(2) removes an approved course from;

the high school curriculum.

SECTION 11. IC 21-11-7-1, AS ADDED BY P.L.2-2007, SECTION 252, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. This chapter applies to a person:

(1) who is a dependent student;

(2) who is a graduate of a high school located in Indiana or a

C o p y

recipient of the state of Indiana general educational development (GED) diploma under ~~IC 20-20-6 or~~ IC 20-10.1-12.1 (before its repeal), **IC 20-20-6 (before its repeal), or IC 22-4.1-18;**

(3) who, on the date that eligibility is determined by the commission, has resided in Indiana with a caretaker relative who has been a resident of Indiana for at least four (4) years; and

(4) whose legal parent:

(A) is currently; or

(B) has been;

a resident of Indiana for at least three (3) consecutive years.

SECTION 12. IC 21-12-3-1, AS ADDED BY P.L.168-2007, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) An applicant is eligible for a first year higher education award under this chapter if the student meets the following requirements:

(1) The applicant is a resident of Indiana, as defined by the commission.

(2) The applicant:

(A) has successfully completed the program of instruction at an approved secondary school;

(B) has been granted a:

(i) high school equivalency certificate before July 1, 1995; or

(ii) state of Indiana general educational development (GED) diploma under ~~IC 20-20-6 or~~ IC 20-10.1-12.1 (before its repeal), **IC 20-20-6 (before its repeal), or IC 22-4.1-18;** or

(C) is a student in good standing at an approved secondary school and is engaged in a program that in due course will be completed by the end of the current academic year.

(3) The financial resources reasonably available to the applicant, as defined by the commission, are such that, in the absence of a higher education award under this chapter, the applicant would be deterred from completing the applicant's education at the approved postsecondary educational institution that the applicant has selected and that has accepted the applicant. In determining the financial resources reasonably available to an applicant to whom IC 21-11-7 applies, the commission must consider the financial resources of the applicant's legal parent.

(4) The applicant will use the award initially at that approved postsecondary educational institution.

(5) If the student is already enrolled in an approved postsecondary educational institution, the applicant must be a full-time student

C o p y

and be making satisfactory progress, as determined by the commission, toward a first baccalaureate degree.

(6) The student declares, in writing, a specific educational objective or course of study and enrolls in:

(A) courses that apply toward the requirements for completion of that objective or course of study; or

(B) courses designed to help the student develop the basic skills that the student needs to successfully achieve that objective or continue in that course of study.

(b) This subsection applies to an individual who:

(1) meets the requirements set forth in subsection (a); and

(2) before the date that eligibility is determined by the commission, has been placed by or with the consent of the department of child services, by a court order, or by a licensed child placing agency in:

(A) a foster family home;

(B) the home of a relative or other unlicensed caretaker;

(C) a child caring institution; or

(D) a group home.

The commission shall consider an individual to whom this subsection applies as a full-need student under the commission's rules when determining the eligibility of the individual to receive financial aid administered by the commission under this chapter.

SECTION 13. IC 21-12-8-3, AS ADDED BY P.L.2-2007, SECTION 253, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. An applicant is eligible to receive a part-time student grant if the following conditions are met:

(1) The applicant is domiciled in Indiana, as defined by the commission.

(2) The applicant:

(A) has received a diploma of graduation from an approved secondary school;

(B) has been granted a:

(i) high school equivalency certificate before July 1, 1995; or

(ii) state of Indiana general educational development (GED) diploma under IC 20-10.1-12.1 (before its repeal), ~~or~~ IC 20-20-6 **(before its repeal), or IC 22-4.1-18;** or

(C) is a student in good standing who is completing a final year of study at an approved secondary school and will be eligible upon graduation to attend an approved institution of higher learning.

C o p y

(3) The applicant declares, in writing, a specific educational objective or course of study and enrolls in:

(A) a course that applies toward the requirements for completion of that objective or course of study; or

(B) a course designed to help the applicant develop the basic skills the applicant needs to successfully achieve that objective or continue in that course of study.

(4) The applicant enrolls in at least two (2) but fewer than twelve (12) credit hours in any academic term.

(5) The commission or an approved postsecondary educational institution acting as the commission's agent determines that the financial resources available to the applicant are such that in the absence of a grant under this chapter the applicant would be deterred from beginning or completing the applicant's declared educational objective or course of study.

SECTION 14. IC 21-14-1-7, AS ADDED BY P.L.2-2007, SECTION 255, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. "Senior citizen" means an Indiana resident who:

(1) is at least sixty (60) years of age;

(2) has graduated from high school or has received a:

(A) general equivalency degree; or

(B) state of Indiana general educational development (GED) diploma under IC 20-10.1-12.1 (before its repeal), ~~or~~ IC 20-20-6 **(before its repeal), or IC 22-4.1-18;**

(3) is retired; and

(4) is not employed on a full-time basis.

SECTION 15. IC 21-18-6-1, AS ADDED BY P.L.234-2007, SECTION 75, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. The general purposes of the commission are the following:

(1) Plan for and coordinate Indiana's state supported system of postsecondary education.

(2) Review appropriation requests of state educational institutions.

(3) Make recommendations to the governor, budget agency, or the general assembly concerning postsecondary education.

(4) Perform other functions assigned by the governor or the general assembly, except those functions specifically assigned by law to the ~~commission for career and technical education.~~ **state workforce innovation council under IC 22-4.1-19.**

SECTION 16. IC 21-43-1-4, AS ADDED BY P.L.2-2007,

C o p y

SECTION 284, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. As used in this chapter, "high school diploma":

(1) for purposes of IC 21-43-6, refers to a high school diploma earned under IC 20-20-6 **(before its repeal) or IC 22-4.1-18;**

(2) for purposes of IC 21-43-7, refers to a high school diploma earned under IC 21-43-7; and

(3) for purposes of IC 21-43-8, refers to a high school diploma earned under IC 21-43-8.

SECTION 17. IC 22-4-18-1, AS AMENDED BY P.L.234-2007, SECTION 141, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) There is created a department under IC 22-4.1-2-1 which shall be known as the department of workforce development.

(b) The department of workforce development may:

(1) Administer the unemployment insurance program, the Wagner-Peyser program, the Workforce Investment Act, a free public labor exchange, and related federal and state employment and training programs as directed by the governor.

(2) Formulate and implement an employment and training plan as required by the Workforce Investment Act (29 U.S.C. 2801 et seq.), including reauthorizations of the Act, and the Wagner-Peyser Act (29 U.S.C. 49 et seq.).

(3) Coordinate activities with all state agencies and departments that either provide employment and training related services or operate appropriate resources or facilities, to maximize Indiana's efforts to provide employment opportunities for economically disadvantaged individuals, dislocated workers, and others with substantial barriers to employment.

(4) Apply for, receive, disburse, allocate, and account for all funds, grants, gifts, and contributions of money, property, labor, and other things of value from public and private sources, including grants from agencies and instrumentalities of the state and the federal government.

(5) Enter into agreements with the United States government that may be required as a condition of obtaining federal funds related to activities of the department.

(6) Enter into contracts or agreements and cooperate with local governmental units or corporations, including profit or nonprofit corporations, or combinations of units and corporations to carry out the duties of the department imposed by this chapter, including contracts for the establishment and administration of

C o p y

employment and training offices and the delegation of the department's administrative, monitoring, and program responsibilities and duties set forth in this article.

(7) Perform other services and activities that are specified in contracts for payments or reimbursement of the costs made with the Secretary of Labor, any federal, state, or local public agency or administrative entity, or a private for-profit or nonprofit organization under the Workforce Investment Act (29 U.S.C. 2801 et seq.), including reauthorizations of the Act.

(8) Enter into contracts or agreements and cooperate with entities that provide career and technical education to carry out the duties imposed by this chapter.

(c) The payment of unemployment insurance benefits must be made in accordance with 26 U.S.C. 3304.

(d) The department of workforce development may do all acts and things necessary or proper to carry out the powers expressly granted under this article, including the adoption of rules under IC 4-22-2.

(e) The department of workforce development may not charge any claimant for benefits for providing services under this article, except as provided in IC 22-4-17-12.

(f) The department of workforce development shall distribute federal funds made available for employment training in accordance with:

(1) 29 U.S.C. 2801 et seq., including reauthorizations of the Act, and other applicable federal laws; and

(2) the plan prepared by the department under subsection (g)(1).

(g) In addition to the duties prescribed in subsections (a) through (f), the department of workforce development shall do the following:

(1) Implement ~~to the best of its ability its employment training programs and the comprehensive career and technical education program in Indiana developed under the long range plan under IC 22-4.1-13.~~ **the postsecondary career and technical education programming plan prepared by the council under IC 22-4.1-19-4.**

(2) Upon request of the budget director, prepare a legislative budget request for state and federal funds for employment training. The budget director shall determine the period to be covered by the budget request.

~~(3) Evaluate its programs according to criteria established by the Indiana commission for career and technical education within the department of workforce development under IC 22-4.1-13.~~

~~(4)~~ **(3)** Make or cause to be made studies of the needs for various

C o p y

types of programs that are related to employment training and authorized under the Workforce Investment Act, including reauthorizations of the Act.

~~(5)~~ **(4)** Distribute state funds made available for employment training that have been appropriated by the general assembly in accordance with

~~(A)~~ the general assembly appropriation. ~~and~~

~~(B) the plan prepared by the department under subdivision (1).~~

~~(6)~~ **(5)** Establish, implement, and maintain a training program in the nature and dynamics of domestic and family violence for training of all employees of the department who interact with a claimant for benefits to determine whether the claim of the individual for unemployment benefits is valid and to determine that employment separations stemming from domestic or family violence are reliably screened, identified, and adjudicated and that victims of domestic or family violence are able to take advantage of the full range of job services provided by the department. The training presenters shall include domestic violence experts with expertise in the delivery of direct services to victims of domestic violence, including using the staff of shelters for battered women in the presentation of the training. The initial training shall consist of instruction of not less than six (6) hours. Refresher training shall be required annually and shall consist of instruction of not less than three (3) hours.

SECTION 18. IC 22-4-18.1-5, AS AMENDED BY P.L.161-2006, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Subject to ~~subsection~~ **subsections** (b) **and (c),** the membership of the state workforce innovation council established under section 3 of this chapter consists of the representatives required by the Workforce Investment Act (29 U.S.C. 2801 et seq.), including reauthorizations of the Act, and must represent the diverse regions of Indiana.

(b) The state superintendent of public instruction or the superintendent's designee serves as a member of the state workforce innovation council.

(c) An individual designated by the governor who has been nominated by a recognized adult education organization serves as a member of the state workforce innovation council.

SECTION 19. IC 22-4.1-1-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 2.5. "Council" refers to the state workforce innovation council established by IC 22-4-18.1-3.**

C o p y

SECTION 20. IC 22-4.1-2-2, AS AMENDED BY P.L.3-2008, SECTION 161, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. The department is comprised of the following entities reorganized within the department:

(1) The department of employment and training services, including the following:

(A) The unemployment insurance board.

(B) The unemployment insurance review board.

(2) The office of workforce literacy established by IC 22-4.1-10-1.

~~(3) The Indiana commission for career and technical education established by IC 22-4.1-13-6.~~

SECTION 21. IC 22-4.1-18 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 18. General Educational Development Diploma Program

Sec. 1. This chapter applies to an individual who is:

(1) at least eighteen (18) years of age; or

(2) less than eighteen (18) years of age, if a superintendent (as defined in IC 20-18-2-21) recommends that the individual participate in the testing program.

Sec. 2. The department may grant a general educational development (GED) diploma to an individual who achieves satisfactory high school level scores on the general educational development (GED) test or any other properly validated tests of comparable difficulty designated by the council.

Sec. 3. The department shall administer the testing program provided in this chapter. All administrative costs of this program must be funded through appropriations of the general assembly.

Sec. 4. (a) The council shall adopt rules under IC 4-22-2 to provide for the implementation and administration of this chapter.

(b) The rules may include the following provisions:

(1) Qualifications of applicants.

(2) Acceptable tests.

(3) Acceptable test scores.

(4) Criteria for retesting.

Sec. 5. A high school equivalency certificate or a general educational development (GED) diploma issued under IC 20-20-6 (before its repeal) is equivalent to a general educational development (GED) diploma issued under this chapter.

SECTION 22. IC 22-4.1-19 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE

C o p y

UPON PASSAGE]:

Chapter 19. Postsecondary Career and Technical Education

Sec. 1. As used in this chapter, "career and technical education" means any postsecondary vocational, agricultural, occupational, manpower, employment, or technical training or retraining of less than a baccalaureate level that:

(1) is offered by a state educational institution (as defined in IC 21-7-13-32); and

(2) enhances an individual's career potential.

Sec. 2. As used in this chapter, "state board" refers to the Indiana state board of education established by IC 20-19-2-2.

Sec. 3. The council may consult with and make recommendations to the state board on all postsecondary career and technical education programs.

Sec. 4. The council shall biennially prepare a plan for implementing postsecondary career and technical education programming after considering the long range state plan developed under IC 20-20-38-4. The council shall submit the plan to the state board for its review and recommendations. The council shall specifically report on how the plan addresses preparation for employment.

Sec. 5. The council may also make recommendations to the general assembly concerning the plan prepared under section 4 of this chapter.

Sec. 6. The council may make recommendations to the state board concerning the legislative budget requests prepared under IC 20-20-38-12 by state educational institutions for state and federal funds for career and technical education.

Sec. 7. The council may:

(1) make or cause to be made studies of the needs for various types of postsecondary career and technical education; and

(2) submit to the state board the council's findings in this regard.

Sec. 8. (a) The council may develop a definition for and report biennially to the:

(1) general assembly;

(2) governor; and

(3) state board;

on attrition and persistence rates by students enrolled in state career and technical education.

(b) A report under this section to the general assembly must be in an electronic format under IC 5-14-6.

C o p y

SECTION 23. IC 22-4.1-20 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 20. Adult Education

Sec. 1. As used in this chapter, "eligible provider" has the meaning set forth in 20 U.S.C. 9202.

Sec. 2. (a) The council and the governor may prescribe a program of adult education.

(b) The department, in consultation with the council and the governor, may adopt rules under IC 4-22-2 to provide for this program and to provide for the state distribution formula for money appropriated by the general assembly for adult education.

Sec. 3. An eligible provider may conduct a program of adult education with the approval of the department.

Sec. 4. (a) Money appropriated by the general assembly for adult education may be used only to reimburse an eligible provider for adult education that is provided to individuals who:

(1) need the education to master a skill that leads to:

(A) the completion of grade 8; or

(B) a general educational development (GED) diploma under IC 22-4.1-18;

(2) need the education to receive high school credit to obtain a high school diploma; or

(3) have graduated from high school (or received a high school equivalency certificate or a general educational development (GED) diploma) but who demonstrate basic skill deficiencies in mathematics or English/language arts.

For purposes of reimbursement under this section, the eligible provider may not count an individual who is also enrolled in a school corporation's kindergarten through grade 12 educational program. An individual described in subdivision (3) may be counted for reimbursement by the eligible provider only for classes taken in mathematics and English/language arts.

(b) The council shall provide for reimbursement to an eligible provider under this section for instructor salaries and administrative and support costs. However, the council may not allocate more than fifteen percent (15%) of the total appropriation under subsection (a) for administrative and support costs.

Sec. 5. An eligible provider shall provide a child with a disability (as defined in IC 20-35-1-2):

(1) who is at least eighteen (18) years of age; and

(2) whom the eligible provider elects to educate;

C o p y

with an appropriate special educational program.

Sec. 6. The program provided under this chapter may include a pathway to obtain a high school diploma.

SECTION 24. IC 25-20-1-3, AS AMENDED BY P.L.1-2005, SECTION 192, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. The board shall issue a hearing aid dealer certificate of registration to any person who makes application on forms provided by the board if the board has determined to its satisfaction that the applicant:

(1) is eighteen (18) years of age or older;

(2) if the applicant applies after June 29, 1992:

(A) is a high school graduate; or

(B) has a:

(i) high school equivalency certificate; or

(ii) state of Indiana general educational development (GED) diploma issued under IC 20-20-6 **(before its repeal) or IC 22-4.1-18;**

(3) has not been convicted of:

(A) an act which would constitute a ground for disciplinary sanction under IC 25-1-9; or

(B) a crime that has a direct bearing on the applicant's ability to practice competently;

(4) has passed the examination prepared by the committee and given by the board to determine that the applicant has the qualifications to properly fit hearing aids; and

(5) held a student hearing aid dealer certificate of registration issued under section 5 of this chapter at the time the applicant applied for a hearing aid dealer certificate of registration.

SECTION 25. IC 35-50-6-3.3, AS AMENDED BY P.L.42-2010, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.3. (a) In addition to any credit time a person earns under subsection (b) or section 3 of this chapter, a person earns credit time if the person:

(1) is in credit Class I;

(2) has demonstrated a pattern consistent with rehabilitation; and

(3) successfully completes requirements to obtain one (1) of the following:

(A) A general educational development (GED) diploma under IC 20-20-6 **(before its repeal) or IC 22-4.1-18,** if the person has not previously obtained a high school diploma.

(B) A high school diploma, if the person has not previously obtained a general educational development (GED) diploma.

C o p y

(C) An associate's degree from an approved postsecondary educational institution (as defined under IC 21-7-13-6(a)).

(D) A bachelor's degree from an approved postsecondary educational institution (as defined under IC 21-7-13-6(a)).

(b) In addition to any credit time that a person earns under subsection (a) or section 3 of this chapter, a person may earn credit time if, while confined by the department of correction, the person:

(1) is in credit Class I;

(2) demonstrates a pattern consistent with rehabilitation; and

(3) successfully completes requirements to obtain at least one (1) of the following:

(A) A certificate of completion of a career and technical education program approved by the department of correction.

(B) A certificate of completion of a substance abuse program approved by the department of correction.

(C) A certificate of completion of a literacy and basic life skills program approved by the department of correction.

(D) A certificate of completion of a reformative program approved by the department of correction.

(c) The department of correction shall establish admissions criteria and other requirements for programs available for earning credit time under subsection (b). A person may not earn credit time under both subsections (a) and (b) for the same program of study.

(d) The amount of credit time a person may earn under this section is the following:

(1) Six (6) months for completion of a state of Indiana general educational development (GED) diploma under IC 20-20-6 **(before its repeal) or IC 22-4.1-18.**

(2) One (1) year for graduation from high school.

(3) One (1) year for completion of an associate's degree.

(4) Two (2) years for completion of a bachelor's degree.

(5) Not more than a total of six (6) months of credit, as determined by the department of correction, for the completion of one (1) or more career and technical education programs approved by the department of correction.

(6) Not more than a total of six (6) months of credit, as determined by the department of correction, for the completion of one (1) or more substance abuse programs approved by the department of correction.

(7) Not more than a total of six (6) months credit, as determined by the department of correction, for the completion of one (1) or more literacy and basic life skills programs approved by the

C o p y

department of correction.

(8) Not more than a total of six (6) months credit time, as determined by the department of correction, for completion of one (1) or more reformative programs approved by the department of correction. However, a person who is serving a sentence for an offense listed under IC 11-8-8-4.5 may not earn credit time under this subdivision.

However, a person who does not have a substance abuse problem that qualifies the person to earn credit in a substance abuse program may earn not more than a total of twelve (12) months of credit, as determined by the department of correction, for the completion of one (1) or more career and technical education programs approved by the department of correction. If a person earns more than six (6) months of credit for the completion of one (1) or more career and technical education programs, the person is ineligible to earn credit for the completion of one (1) or more substance abuse programs.

(e) Credit time earned by a person under this section is subtracted from the release date that would otherwise apply to the person after subtracting all other credit time earned by the person.

(f) A person does not earn credit time under subsection (a) unless the person completes at least a portion of the degree requirements after June 30, 1993.

(g) A person does not earn credit time under subsection (b) unless the person completes at least a portion of the program requirements after June 30, 1999.

(h) Credit time earned by a person under subsection (a) for a diploma or degree completed before July 1, 1999, shall be subtracted from:

(1) the release date that would otherwise apply to the person after subtracting all other credit time earned by the person, if the person has not been convicted of an offense described in subdivision (2); or

(2) the period of imprisonment imposed on the person by the sentencing court, if the person has been convicted of one (1) of the following crimes:

(A) Rape (IC 35-42-4-1).

(B) Criminal deviate conduct (IC 35-42-4-2).

(C) Child molesting (IC 35-42-4-3).

(D) Child exploitation (IC 35-42-4-4(b)).

(E) Vicarious sexual gratification (IC 35-42-4-5).

(F) Child solicitation (IC 35-42-4-6).

(G) Child seduction (IC 35-42-4-7).

C o p y

(H) Sexual misconduct with a minor as a Class A felony, Class B felony, or Class C felony (IC 35-42-4-9).

(I) Incest (IC 35-46-1-3).

(J) Sexual battery (IC 35-42-4-8).

(K) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age.

(L) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age.

(M) An attempt or a conspiracy to commit a crime listed in clauses (A) through (L).

(i) The maximum amount of credit time a person may earn under this section is the lesser of:

(1) four (4) years; or

(2) one-third (1/3) of the person's total applicable credit time.

(j) The amount of credit time earned under this section is reduced to the extent that application of the credit time would otherwise result in:

(1) postconviction release (as defined in IC 35-40-4-6); or

(2) assignment of the person to a community transition program; in less than forty-five (45) days after the person earns the credit time.

(k) A person may earn credit time for multiple degrees at the same education level under subsection (d) only in accordance with guidelines approved by the department of correction. The department of correction may approve guidelines for proper sequence of education degrees under subsection (d).

(l) A person may not earn credit time:

(1) for a general educational development (GED) diploma if the person has previously earned a high school diploma; or

(2) for a high school diploma if the person has previously earned a general educational development (GED) diploma.

(m) A person may not earn credit time under this section if the person:

(1) commits an offense listed in IC 11-8-8-4.5 while the person is required to register as a sex or violent offender under IC 11-8-8-7; and

(2) is committed to the department of correction after being convicted of the offense listed in IC 11-8-8-4.5.

SECTION 26. THE FOLLOWING ARE REPEALED [EFFECTIVE UPON PASSAGE]: IC 20-20-6; IC 20-20-20; IC 20-30-6-1; IC 21-18-10; IC 22-4.1-13.

SECTION 27. **An emergency is declared for this act.**

C o p y

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1340, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

BEHNING, Chair

Committee Vote: yeas 8, nays 5.

HOUSE MOTION

Mr. Speaker: I move that House Bill 1340 be amended to read as follows:

Page 2, between lines 32 and 33, begin a new paragraph and insert:

"SECTION 4. IC 20-19-2-4.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 4.5. (a) The advisory committee on career and technical education is established to advise the state board on policy matters concerning career and technical education. The advisory committee on career and technical education consists of:**

(1) the state superintendent or the state superintendent's designee; and

(2) seven (7) members appointed by the state superintendent.

(b) The following provisions apply to members of the advisory committee on career and technical education:

(1) At least four (4) of the members must be actively employed as area career and technical education directors in schools in Indiana and hold a valid career and technical education director license.

(2) Not more than one (1) member may be from any secondary area district in Indiana.

(3) Members serve at the pleasure of the state superintendent.

(c) The state superintendent or the state superintendent's designee serves as the chairperson of the advisory committee on career and technical education.".

Renumber all SECTIONS consecutively.

(Reference is to HB 1340 as printed January 25, 2011.)

BEHNING

C o p y

HOUSE MOTION

Mr. Speaker: I move that House Bill 1340 be amended to read as follows:

Page 16, between lines 3 and 4, begin a new paragraph and insert:

"SECTION 17. IC 22-4-18.1-5, AS AMENDED BY P.L.161-2006, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Subject to ~~subsection~~ **subsections** (b) **and (c),** the membership of the state workforce innovation council established under section 3 of this chapter consists of the representatives required by the Workforce Investment Act (29 U.S.C. 2801 et seq.), including reauthorizations of the Act, and must represent the diverse regions of Indiana.

(b) The state superintendent of public instruction or the superintendent's designee serves as a member of the state workforce innovation council.

(c) An individual designated by the governor who has been nominated by a recognized adult education organization serves as a member of the state workforce innovation council.".

Renumber all SECTIONS consecutively.

(Reference is to HB 1340 as printed January 25, 2011.)

KLINKER

HOUSE MOTION

Mr. Speaker: I move that House Bill 1340 be amended to read as follows:

Page 19, between lines 8 and 9, begin a new paragraph and insert:

"**Sec. 6. The program provided under this chapter may include a pathway to obtain a high school diploma.**".

(Reference is to HB 1340 as printed January 25, 2011.)

MOSELEY

C o p y

HOUSE MOTION

Mr. Speaker: I move that House Bill 1340 be amended to read as follows:

Page 8, line 15, after "or" insert "**proportionately**".

(Reference is to HB 1340 as printed January 25, 2011.)

HINKLE

C o p y