
SENATE BILL No. 374

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-26-13; IC 20-32-4; IC 20-33-2-28.6.

Synopsis: Graduation rate determination. Defines "transfer" for purposes of determining graduation rates. Modifies requirements for a student to graduate without passing the ISTEP tests. Provides that it is neglect of duty for a teacher or other licensed employee to counsel a student to transfer to a nonaccredited nonpublic school located in a private residence if the teacher or other employee does not have reasonable knowledge that the student and the student's family intend to conduct appropriate educational activities. Provides that if a high school student is transferring to a nonaccredited nonpublic school located in a private residence, the superintendent or the superintendent's designee must review the student's proposed curriculum, and, if the curriculum does not provide instruction equivalent to that given in public schools, report the student to the bureau of motor vehicles as a dropout. Repeals a provision concerning graduation requirements for a student graduating before July 1, 2010.

Effective: July 1, 2012.

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January 9, 2012, read first time and referred to Committee on Education and Career Development.

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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 2011 Regular Session of the General Assembly.

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SENATE BILL No. 374



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 20-26-13-8.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2012]: **Sec. 8.5. (a) As used in this chapter,**
4 **"transfer" means to withdraw from a school and enroll in another**
5 **public or nonpublic school, including an adult secondary credit**
6 **program.**

7 **(b) The term does not include enrolling in a general educational**
8 **development program.**

9 SECTION 2. IC 20-26-13-12, AS AMENDED BY P.L.45-2008,
10 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 JULY 1, 2012]: Sec. 12. For each high school, the department shall
12 calculate an estimated graduation rate that is determined by the total
13 number of graduates for the reporting year divided by the total number
14 of students enrolled in ~~grade 9 at the school~~ **three (3) years before the**
15 ~~reporting~~ **the students' initial** year. For any school where the
16 difference between the estimated graduation rate and the number
17 determined under STEP FIVE of section 10 of this chapter is more than



1 five percent (5%), the department shall request the data used in
 2 determining that the missing students are classified under one (1) or
 3 more of clauses (A) through (I) of STEP THREE of section 10 of this
 4 chapter.

5 SECTION 3. IC 20-32-4-0.3 IS REPEALED [EFFECTIVE JULY
 6 1, 2012]. Sec. 0.3: Notwithstanding the amendments made to section
 7 † of this chapter by P.L.105-2005, the following apply before July †,
 8 2010:

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

11 (A) the academic standards tested in the graduation
 12 examination; and

13 (B) any additional requirements established by the governing
 14 body.

15 (2) A student who does not meet the academic standards tested in
 16 the graduation examination shall be given the opportunity to be
 17 tested during each semester of each grade following the grade in
 18 which the student is initially tested until the student achieves a
 19 passing score.

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

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

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

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

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

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

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

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

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1 counting against the student's attendance.

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

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

7 SECTION 4. IC 20-32-4-4, AS AMENDED BY P.L.185-2006,
8 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2012]: Sec. 4. Beginning with the 2005-2006 school year, a
10 student who does not achieve a passing score on the graduation
11 examination and who does not meet the requirements of section 1 of
12 this chapter may be eligible to graduate if the student does all the
13 following:

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

18 (2) Completes remediation opportunities provided to the student
19 by the student's school.

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

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

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

27 (6) ~~Either:~~ (A) Completes:

28 (i) (A) the course and credit requirements for a general
29 diploma, including the **college and career academic sequence;**
30 **pathway;**

31 (ii) (B) a workforce readiness assessment; and

32 (iii) (C) at least one (1) career exploration internship,
33 cooperative education, or workforce credential recommended
34 by the student's school. ~~or~~

35 (B) obtains a written recommendation from a teacher of the
36 student in each subject area in which the student has not
37 achieved a passing score on the graduation examination. The
38 written recommendation must be concurred in by the principal
39 of the student's school and be supported by documentation that
40 the student has attained the academic standard in the subject
41 area based on:

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

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1 (ii) classroom work.

2 SECTION 5. IC 20-32-4-11 IS ADDED TO THE INDIANA CODE
3 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
4 1, 2012]: **Sec. 11. It is willful neglect of duty under IC 20-28-5-7 for**
5 **a certificated employee (as defined in IC 20-29-2-4) of a school or**
6 **school corporation to counsel or encourage a student to transfer to**
7 **a nonaccredited nonpublic school located in a private residence if**
8 **the certificated employee does not have reasonable knowledge that**
9 **the student and the student's family intend to conduct appropriate**
10 **educational activities.**

11 SECTION 6. IC 20-33-2-28.6 IS ADDED TO THE INDIANA
12 CODE AS A NEW SECTION TO READ AS FOLLOWS
13 [EFFECTIVE JULY 1, 2012]: **Sec. 28.6. (a) This section applies to a**
14 **high school student who is transferring to a nonaccredited**
15 **nonpublic school located in a private residence.**

16 (b) Before a student to whom this section applies withdraws
17 from a public school, the superintendent or the superintendent's
18 designee shall review the student's education plan or curriculum to
19 ensure the student is provided with instruction equivalent to that
20 given in a public school as required under section 28 of this
21 chapter. If the superintendent or the superintendent's designee
22 determines that the student's education plan or curriculum does
23 not comply with section 28 of this chapter, the superintendent or
24 the superintendent's designee shall report the student to the bureau
25 of motor vehicles for action under section 28.5(g) of this chapter.

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