March 29, 2013

ENGROSSED
HOUSE BILL No. 1005

DIGEST OF HB 1005 (Updated March 28, 2013 11:54 am - DI 73)

Citations Affected: IC 20-26; IC 20-30; IC 20-31; IC 20-32; IC 20-33; IC 21-18.5; IC 21-43; noncode.

Synopsis: Remediation. Provides that if a student is not progressing toward fulfillment of the student's graduation plan because the student did not achieve a passing score on the graduation examination, the school counselor shall communicate with the: (1) student; (2) student's parent; and (3) student's teacher in the subject matter in which the student has not received a passing score on the graduation examination; to develop an individual remediation plan for the student. Requires a secondary school's strategic and continuous school improvement and achievement plan to include a provision to reduce the number of graduation waivers. Provides that the education roundtable, when making recommendations to the state board of education (state board) regarding the methods of measuring school improvement, may consider

(Continued next page)

Effective: Upon passage; July 1, 2013; July 1, 2014.

Clere, McNamara, Behning

(SENATE SPONSORS — YODER, ROGERS)

January 15, 2013, read first time and referred to Committee on Education.
January 28, 2013, amended, reported — Do Pass.
February 5, 2013, read second time, amended, ordered engrossed.
February 6, 2013, engrossed.
February 7, 2013, read third time, passed. Yeas 86, nays 13.

SENATE ACTION

February 25, 2013, read first time and referred to Committee on Education and Career Development.
March 21, 2013, amended, reported favorably — Do Pass; reassigned to Committee on Appropriations.
March 28, 2013, amended, reported favorably — Do Pass.

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the remedial needs of students. Provides that the remediation grant program may provide grants to school corporations to prevent the need for postsecondary or workforce training remediation or to decrease the likelihood that a student may fail a graduation examination. Provides that, not later than July 1, 2014, the department of education (department), in consultation the education roundtable and the department of workforce development, shall develop, and the state board shall approve, guidelines to assist secondary schools in identifying a student who is likely to: (1) fail a graduation examination; or (2) require remedial work at a postsecondary educational institution or workforce training program. Provides that, beginning with the 2016-2017 school year, the department must identify secondary schools that have a 3-year graduation waiver rate higher than the state average by a certain percentage, and that the state board must put those schools on notice. Requires a school to develop a school-wide remediation plan and submit the plan to the department the first year a school is identified. Requires a school to collaborate with the educational service center serving the region in which the school is located to develop and implement a revised school-wide plan the second and any subsequent year after the school has been initially identified. Requires the principal of a public school to inform a student and a parent of the student transferring to a nonaccredited nonpublic school of the legal responsibilities of transferring to a nonaccredited nonpublic school. Provides that if the parent refuses to sign a form acknowledging that the parent understands the legal responsibilities, the student is considered a dropout and shall be: (1) reported to the bureau of motor vehicles to revoke the student's driver's license or learner's permit; and (2) considered a dropout for purposes of calculating the high school's dropout rate. Provides that effective July 1, 2014, in the case of a student who: (1) receives a graduation waiver that includes a written recommendation from a teacher in each subject area in which the student has not achieved a passing score on the graduation examination; and (2) does not have an individualized education program; the student may not receive state scholarships, grants, or assistance administered by the commission for higher education while enrolled exclusively in courses at a postsecondary educational institution that are not credit bearing degree seeking courses. Provides that, beginning after June 30, 2014, a student must achieve an equivalent of a 2.0 on a 4.0 unweighted grading scale in order for the student to receive postsecondary credit on a dual credit course taken in a high school setting.

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March 29, 2013

First Regular Session 118th General Assembly (2013)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type.~~

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~*this style type*~~ reconciles conflicts between statutes enacted by the 2012 Regular Session of the General Assembly.

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ENGROSSED
HOUSE BILL No. 1005

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

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

STEP TWO: Add:

(A) the number determined under STEP ONE; and

(B) the number of students who:

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

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

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

(A) Transfer to another public or nonpublic school.

(B) **Except as provided in IC 20-33-2-28.6,** removal by the student's parents under IC 20-33-2-28 to provide instruction equivalent to that given in the public schools.

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

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

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

(F) Enrollment in a virtual school.

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

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

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

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

STEP FIVE: Divide:

(A) the number determined under STEP FOUR; by

(B) the remainder determined under STEP THREE.

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

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

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services available to help the student progress toward graduation.

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

(1) teacher of the student in each subject area in which the student has not achieved a passing score on the graduation examination;

(2) parents of the student; and

(3) student;

to discuss available remediation and to develop an individual remediation plan.

SECTION 3. IC 20-31-5-6, AS AMENDED BY P.L.66-2009, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 6. (a) A plan must contain the following components for the school:

(1) A list of the statutes and rules that the school wishes to have suspended from operation for the school.

(2) A description of the curriculum and information concerning the location of a copy of the curriculum that is available for inspection by members of the public.

(3) A description and name of the assessments that will be used in the school in addition to ISTEP program assessments.

(4) A plan to be submitted to the governing body and made available to all interested members of the public in an easily understood format.

(5) A provision to maximize parental participation in the school, which may include providing parents with:

(A) access to learning aids to assist students with school work at home;

(B) information on home study techniques; and

(C) access to school resources.

(6) For a secondary school, a provision to do the following:

(A) Offer courses that allow all students to become eligible to receive an academic honors diploma.

(B) Encourage all students to earn an academic honors diploma or complete the Core 40 curriculum.

(C) Reduce the number of graduation exam waivers granted to graduates.

(7) A provision to maintain a safe and disciplined learning environment for students and teachers that complies with the governing body's plan for improving student behavior and

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discipline developed under IC 20-26-5-32.

(8) A provision for the coordination of technology initiatives and ongoing professional development activities.

(b) If, for a purpose other than a plan under this chapter, a school has developed materials that are substantially similar to a component listed in subsection (a), the school may substitute those materials for the component listed in subsection (a).

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

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

(1) performance indicators to be used as a secondary means of determining school progress;

(2) expected progress levels, continuous improvement measures, distributional performance levels, and absolute performance levels for schools; and

(3) an orderly transition from the performance based accreditation system to the assessment system set forth in this article.

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

(d) The education roundtable may consider:

(1) the likelihood that a student may fail a graduation exam and require a graduation waiver under IC 20-32-4-4 or IC 20-32-4-5; and

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

when making recommendations under this section.

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

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

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

~~(B) any additional requirements established by the governing~~

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~~body.~~

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

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

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

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

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

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

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

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

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

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

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

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

~~(F) Otherwise satisfies all state and local graduation~~

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~~requirements.~~

~~(5) This subdivision applies to a student who is a child with a disability (as defined in IC 20-35-1-2). If the student does not achieve a passing score on the graduation examination, the student's case conference committee may determine that the student is eligible to graduate if the case conference committee finds the following:~~

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

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

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

~~(B) The student meets all the following requirements:~~

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

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

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

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

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

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

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

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

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

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

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

(6) Either:

(A) completes:

(i) the course and credit requirements for a general diploma, including the career academic sequence;

(ii) a workforce readiness assessment; and

(iii) at least one (1) ~~career exploration internship, cooperative education,~~ **industry certification** or workforce credential recommended by the student's school; or

(B) obtains a written recommendation from a teacher of the student in each subject area in which the student has not achieved a passing score on the graduation examination. The written recommendation must **be aligned with the governing body's relevant policy and must** be concurred in by the principal of the student's school and be supported by documentation that the student has attained the academic standard in the subject area based on:

(i) tests other than the graduation examination; or

(ii) classroom work.

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

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

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

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case conference committee. The recommendation must:

(A) be aligned with the governing body's relevant policy;

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

~~(B)~~ **(C)** be supported by documentation that the student has attained the academic standard in the subject area based on:

(i) tests other than the graduation examination; or

(ii) classroom work.

(2) The student meets all the following requirements:

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

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

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

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

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

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

(1) Remediation of students who score below academic standards.

(2) Preventive remediation for students who are at risk of falling below academic standards.

(3) For students in a freeway school or freeway school corporation who are assessed under a locally adopted assessment program under IC 20-26-15-6(7):

(A) remediation of students who score below academic standards under the locally adopted assessment program; and

(B) preventive remediation for students who are at risk of falling below academic standards under the locally adopted assessment program.

(4) Targeted instruction of students to:

(A) reduce the likelihood that a student may fail a graduation exam and require a graduation waiver under

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IC 20-32-4-4 or IC 20-32-4-5; or

(B) minimize the necessity of remedial work of students while the students attend postsecondary educational institutions or workforce training programs.

SECTION 9. IC 20-32-9 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]:

Chapter 9. Postsecondary and Workforce Training Program Remediation Reduction

Sec. 1. Not later than July 1, 2014, the department, in consultation with the:

(1) education roundtable established under IC 20-19-4-2; and

(2) department of workforce development established under IC 22-4.1-2-1;

shall develop guidelines to assist secondary schools in identifying a student who is likely to require remedial work at a postsecondary educational institution or workforce training program if the student subsequently attends a postsecondary educational institution or workforce training program upon graduation. Guidelines developed under this section must be approved by the state board.

Sec. 2. The guidelines established in section 1 of this chapter:

(1) must include indicators to assist school personnel in determining whether a student may be in need of supplemental instruction or remediation to minimize the student's need for remedial course work at a postsecondary educational institution or workforce training program; and

(2) may provide best practices and strategies for improving services and support provided by a school to assist a student in achieving the level of academic performance that is appropriate for the student's grade level to:

(A) reduce the likelihood that a student will fail a graduation exam and require a graduation waiver under IC 20-32-4-4 or IC 20-32-4-5; or

(B) minimize the necessity for postsecondary remedial course work by the student.

Sec. 3. (a) The department shall identify secondary schools that have a three (3) year graduation waiver rate that is higher than the average three (3) year graduation waiver rate for all public secondary schools in the state by a percentage determined under subsection (b).

(b) After analyzing data collected from all schools in the state,

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the department shall recommend to the state board for the state board's approval a percentage for use under subsection (a). The state board, after considering the department's recommendation, shall determine the percentage that is to be used under subsection (a).

(c) The department shall make the first identification of schools to be placed on notice under section 4 of this chapter for the 2016-2017 school year.

Sec. 4. (a) This section applies the first year a school is identified under section 3 of this chapter.

(b) The state board shall place the school and the school corporation on notice that the school has exceeded the percentage of graduation waivers determined under section 3 of this chapter.

(c) Upon receiving notice under subsection (b), the school shall develop a school-wide remediation plan that follows the guidelines established under section 1 of this chapter and submit the plan to the department.

Sec. 5. (a) This section applies if, in the second or a subsequent year after the initial identification under section 3 of this chapter, a school continues to be identified under section 3 of this chapter.

(b) The state board shall place the school and the school corporation on notice that the school has exceeded the percentage of graduation waivers determined under section 3 of this chapter.

(c) Upon receiving notice under subsection (b), the school shall collaborate with the educational service center that serves the region in which the school corporation is located to develop and implement a revised school-wide remediation plan.

SECTION 10. IC 20-33-2-28.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 28.6. (a) This section applies to a high school student who is transferring to a nonaccredited nonpublic school.**

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

(c) If the parent of the student refuses to sign the form provided by the principal under subsection (b), the student is considered a

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dropout and the principal shall report the student to the bureau of motor vehicles for action under section 28.5(g) of this chapter. The student is considered a dropout for purposes of calculating a high school's graduation rate under IC 20-26-13-10.

SECTION 11. IC 21-18.5-4-8.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 8.5. (a) This section applies only to a student who:**

(1) receives a graduation waiver under IC 20-32-4-4(6)(B); and

(2) does not have an individualized education program under IC 20-35-7.

(b) A student described in subsection (a) may not receive state scholarships, grants, or assistance administered by the commission while enrolled exclusively in courses at a postsecondary educational institution that are not credit bearing degree seeking courses, as mutually defined by the commission and the postsecondary educational institution offering the courses.

SECTION 12. IC 21-43-4-13, AS ADDED BY P.L.2-2007, SECTION 284, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 13. If a student enrolls in a course offered by an eligible institution under the program, the eligible institution and the student's school corporation shall enter into a contract for dual credit. The contract must establish the terms and conditions under which:

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

(2) the school corporation will award credit for specified classes successfully completed by students at the eligible institution.

SECTION 13. IC 21-43-4-15, AS ADDED BY P.L.2-2007, SECTION 284, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 15. **(a) Except as provided in subsection (b),** if a student enrolls in an eligible institution after graduation from secondary school, the eligible institution shall award postsecondary credit for a course successfully completed by the student at the eligible institution. If the student enrolls in another eligible institution, that eligible institution may grant credit for courses successfully completed by the student.

(b) This subsection applies to a course taught in a high school setting in which a student enrolls after June 30, 2014. A student must achieve at least an equivalent of a 2.0 on a 4.0 unweighted

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grading scale, as established by the eligible institution, in order for the student to receive postsecondary credit for the course. If the student achieves less than the equivalent of a 2.0 on a 4.0 unweighted grading scale, as established by the eligible institution, the dual credit teacher shall not submit the grade for the dual credit course to the eligible institution.

SECTION 14. IC 21-43-5-5, AS ADDED BY P.L.2-2007, SECTION 284, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 5. **(a) Except as provided in subsection (b),** a student is entitled to credit toward graduation requirements for a course the student successfully completes at the eligible institution.

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

SECTION 15. [EFFECTIVE UPON PASSAGE] **(a) The department of education established by IC 20-19-3-1, in consultation with the:**

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

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

shall begin developing the guidelines described in IC 20-32-9-1, as added by this act, in the manner described in IC 20-32-9, as added by this act. The guidelines must be completed and approved by the Indiana state board of education, established by IC 20-19-2-2, by July 1, 2014.

(b) This SECTION expires January 1, 2015.

SECTION 16. **An emergency is declared for this act.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1005, 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 1, between the enacting clause and line 1, begin a new paragraph and insert:

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

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

STEP TWO: Add:

(A) the number determined under STEP ONE; and

(B) the number of students who:

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

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

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

(A) Transfer to another public or nonpublic school.

(B) **Except as provided in IC 20-33-2-28.6,** removal by the student's parents under IC 20-33-2-28 to provide instruction equivalent to that given in the public schools.

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

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

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

(F) Enrollment in a virtual school.

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

(H) Leaving school, if the location of the student cannot be determined and the student has been reported to the Indiana

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clearinghouse for information on missing children and missing endangered adults.

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

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

STEP FIVE: Divide:

(A) the number determined under STEP FOUR; by

(B) the remainder determined under STEP THREE.

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

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

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

(1) teacher of the student in each subject area in which the student has not achieved a passing score on the graduation examination;

(2) parents of the student; and

(3) student;

to discuss available remediation and to plan to meet the requirements under IC 20-32-4-4.".

Page 1, delete lines 1 through 15.

Delete page 2.

Page 3, delete lines 1 through 6.

Page 3, delete lines 32 through 39, begin a new line double block indented and insert:

"**(C) Reduce the number of graduation exam waivers granted to graduates.**".

Page 4, line 33, delete "." and insert "**.**".

Page 4, between lines 33 and 34, begin a new paragraph and insert:

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"SECTION 6. IC 20-32-4-0.3 IS REPEALED [EFFECTIVE JULY 1, 2013]. ~~Sec. 0.3. Notwithstanding the amendments made to section 1 of this chapter by P.L.105-2005, the following apply before July 1, 2010:~~

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

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

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

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

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

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

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

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

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

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

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

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

~~(E) Obtains a written recommendation from a teacher of the~~

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~~student in each subject area in which the student has not achieved a passing score. The recommendation must:~~

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

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

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

~~(5) This subdivision applies to a student who is a child with a disability (as defined in IC 20-35-1-2). If the student does not achieve a passing score on the graduation examination, the student's case conference committee may determine that the student is eligible to graduate if the case conference committee finds the following:~~

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

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

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

~~(B) The student meets all the following requirements:~~

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

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

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

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

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

SECTION 7. IC 20-32-4-4, AS AMENDED BY P.L.185-2006, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4. ~~Beginning with the 2005-2006 school year,~~ A student who does not achieve a passing score on the graduation examination and who does not meet the requirements of section 1 of this chapter may be eligible to graduate if the student does all the following:

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

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

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

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

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

(6) Either:

(A) completes:

(i) the course and credit requirements for a general diploma, including the career academic sequence;

(ii) a workforce readiness assessment; and

(iii) at least one (1) ~~career exploration internship, cooperative education,~~ **industry certification** or workforce credential recommended by the student's school; or

(B) obtains a written recommendation from a teacher of the student in each subject area in which the student has not achieved a passing score on the graduation examination. The written recommendation must **be aligned with the governing body's relevant policy and must** be concurred in by the principal of the student's school and be supported by documentation that the student has attained the academic standard in the subject area based on:

(i) tests other than the graduation examination; or

(ii) classroom work.

SECTION 8. IC 20-32-4-5, AS ADDED BY P.L.1-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,

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2013]: Sec. 5. (a) This section applies to a student who is a child with a disability (as defined in IC 20-35-1-2).

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

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

(A) be aligned with the governing body's relevant policy;

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

~~(B)~~ **(C)** be supported by documentation that the student has attained the academic standard in the subject area based on:

(i) tests other than the graduation examination; or

(ii) classroom work.

(2) The student meets all the following requirements:

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

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

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

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

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

Page 5, line 23, delete "and".

Page 5, line 25, after "IC 22-4.1-2-1;" insert "**and**".

Page 5, between lines 25 and 26, begin a new line block indented and insert:

"**(4) department;**".

Page 6, line 24, after "with" insert "**the department,**".

Page 6, line 32, after "action" delete "." and insert "**with respect to a particular subject matter covered in the exam.**".

Page 7, line 9, after "(b)" insert "**with respect to a particular**

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subject matter".

Page 7, line 10, after "IC 21-43" delete "," and insert "**in the same subject matter or a related subject matter,**".

Page 7, between lines 18 and 19, begin a new paragraph and insert:

"SECTION 7. IC 20-33-2-28.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 28.6. (a) This section applies to a high school student who is transferring to a nonaccredited nonpublic school.**

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

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

Page 7, delete lines 19 through 34, begin a new paragraph and insert:

"SECTION 7. IC 21-18.5-4-8.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 8.5. (a) This section does not apply to a student who:**

(1) receives a graduation waiver under IC 20-32-4-4; and

(2) receives a general diploma by satisfying the conditions set forth in IC 20-32-4-4, including, with respect to IC 20-32-4-4(6), the condition set forth in IC 20-32-4-4(6)(B);

if the student has an individualized education program under IC 20-35-7.

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

(c) Notwithstanding any other law, a student who:

(1) receives a graduation waiver under IC 20-32-4-4; and

(2) receives a general diploma by satisfying the conditions set forth in IC 20-32-4-4, including, with respect to

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IC 20-32-4-4(6), the condition set forth in IC 20-32-4-4(6)(B); is disqualified from receiving state scholarships, grants, or assistance administered by the commission unless the student passes a college and career readiness exam described in IC 20-32-9-3.

(d) The college and career readiness exam taken by a student under subsection (c) shall be administered by the secondary school that granted the student the graduation waiver. The cost of the exam shall be paid by the department.".

Page 8, line 35, delete "and".

Page 8, line 37, after "IC 22-4.1-2-1;" insert "**and**".

Page 8, between lines 37 and 38, begin a new line block indented and insert:

"**(4) department;**".

Page 8, line 39, after "act" insert "**,**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1005 as introduced.)

BEHNING, Chair

Committee Vote: yeas 13, nays 0.

HOUSE MOTION

Mr. Speaker: I move that House Bill 1005 be amended to read as follows:

Page 12, line 2, after "law," insert "**and except as provided in subsection (e),**".

Page 12, between lines 14 and 15, begin a new paragraph and insert:

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

(Reference is to HB 1005 as printed January 29, 2013.)

CLERE

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1005 be amended to read as follows:

Page 10, line 35, delete ";" and insert "**, including that the student may not be eligible to receive state scholarships, grants, or assistance administered by the commission for higher education;**".

(Reference is to HB 1005 as printed January 29, 2013.)

CLERE

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred House Bill No. 1005, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 3, line 4, delete "meet" and insert "**communicate**".

Page 3, line 10, delete "plan to meet the" and insert "**develop an individual remediation plan.**".

Page 3, delete line 11.

Page 9, line 9, delete "2013," and insert "**2014,**".

Page 9, line 9, delete "state board," and insert "**department,**".

Page 9, line 11, after "IC 20-19-4-2;" insert "**and**".

Page 9, delete lines 12 through 13.

Page 9, line 14, delete "(3)" and insert "**(2)**".

Page 9, line 15, delete "and".

Page 9, delete line 16.

Page 9, line 21, after "graduation." insert "**Guidelines developed under this section must be approved by the state board.**".

Page 9, line 27, after "program;" insert "**and**".

Page 9, delete lines 28 through 38.

Page 9, line 39, delete "(3)" and insert "**(2)**".

Page 10, delete lines 6 through 42, begin a new paragraph and insert:

"**Sec. 3. (a) The department shall identify secondary schools that have a three (3) year graduation waiver rate that is higher than the average three (3) year graduation waiver rate for all public secondary schools in the state by a percentage determined under subsection (b).**

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(b) After analyzing data collected from all schools in the state, the department shall recommend to the state board for the state board's approval a percentage for use under subsection (a). The state board, after considering the department's recommendation, shall determine the percentage that is to be used under subsection (a).

(c) The department shall make the first identification of schools to be placed on notice under section 4 of this chapter for the 2016-2017 school year.

Sec. 4. (a) This section applies the first year a school is identified under section 3 of this chapter.

(b) The state board shall place the school and the school corporation on notice that the school has exceeded the percentage of graduation waivers determined under section 3 of this chapter.

(c) Upon receiving notice under subsection (b), the school shall develop a school-wide remediation plan that follows the guidelines established under section 1 of this chapter and submit the plan to the department.

Sec. 5. (a) This section applies if, in the second or a subsequent year after the initial identification under section 3 of this chapter, a school continues to be identified under section 3 of this chapter.

(b) The state board shall place the school and the school corporation on notice that the school has exceeded the percentage of graduation waivers determined under section 3 of this chapter.

(c) Upon receiving notice under subsection (b), the school shall collaborate with the educational service center that serves the region in which the school corporation is located to develop and implement a revised school-wide remediation plan.".

Page 11, delete lines 1 through 13.

Page 12, line 11, delete "unless the student" and insert "**for postsecondary remedial courses.**".

Page 12, delete lines 12 through 17.

Page 12, line 18, delete "(e)" and insert "**(d)**".

Page 13, line 2, after "course" insert "**taught in a high school setting**".

Page 13, line 3, after "achieve" insert "**at least**".

Page 13, line 6, after "course." insert "**If the student achieves less than the equivalent of a 2.0 on a 4.0 unweighted grading scale, as established by the eligible institution, the dual credit teacher shall not submit the grade for the dual credit course to the eligible institution.**".

Page 13, line 13, after "course" insert "**taught in a high school**

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setting".

Page 13, line 14, after "achieve" insert "**at least**".

Page 13, line 17, after "course." insert "**If the student achieves less than the equivalent of a 2.0 on a 4.0 unweighted grading scale, as established by the eligible institution, the dual credit teacher shall not submit the grade for the dual credit course to the eligible institution.**".

Page 13, line 18, delete "Indiana" and insert "**department of education established by IC 20-19-3-1,**".

Page 13, line 19, delete "state board of education established by IC 20-19-2-2,".

Page 13, line 21, after "IC 20-19-4-2;" insert "**and**".

Page 13, delete lines 22 through 23.

Page 13, line 24, delete "(3)" and insert "**(2)**".

Page 13, delete line 26.

Page 13, line 29, after "completed" insert "**and approved by the Indiana state board of education, established by IC 20-19-2-2,**".

Page 13, line 29, delete "2013." and insert "**2014.**".

Page 13, line 30, delete "2014." and insert "**2015.**".

and when so amended that said bill do pass and be reassigned to the Senate Committee on Appropriations.

(Reference is to HB 1005 as reprinted February 6, 2013.)

KRUSE, Chairperson

Committee Vote: Yeas 8, Nays 0.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred House Bill No. 1005, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 11, delete lines 5 through 31, begin a new paragraph and insert:

"SECTION 11. IC 21-18.5-4-8.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 8.5. (a) This section applies only to a student who:**

(1) receives a graduation waiver under IC 20-32-4-4(6)(B); and

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(2) does not have an individualized education program under IC 20-35-7.

(b) A student described in subsection (a) may not receive state scholarships, grants, or assistance administered by the commission while enrolled exclusively in courses at a postsecondary educational institution that are not credit bearing degree seeking courses, as mutually defined by the commission and the postsecondary educational institution offering the courses.".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to EHB 1005 as printed March 22, 2013.)

KENLEY, Chairperson

Committee Vote: Yeas 7, Nays 2.

C o p y