



January 29, 2013

HOUSE BILL No. 1005

DIGEST OF HB 1005 (Updated January 24, 2013 11:30 am - DI 116)

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 due to not achieving a passing score on the graduation examination, the school counselor shall meet 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 discuss available remediation and to plan to meet the requirements necessary for a graduation waiver. Requires a secondary school's strategic and continuous school improvement and achievement plan to include a provision t reduce the number of graduation waivers. Requires the principal of a public school to inform a student and a parent of the student transferring to an nonaccredited nonpublic school of the legal responsibilities of transferring to a nonaccredited nonpublic school. Provides that the principal and the parent must sign a form to acknowledge that the parent understands the legal requirements of transferring to a nonaccredited nonpublic school. Provides that if the parent refuses to sight the form, 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 the education roundtable, when making recommendations to the state board regarding the methods of measuring school improvement, may consider the remedial needs of students who are likely to fail a graduation exam or require remedial work while attending a postsecondary educational institution or workforce training

(Continued next page)

Effective: Upon passage; July 1, 2013.

Clere, McNamara

January 15, 2013, read first time and referred to Committee on Education.
January 28, 2013, amended, reported — Do Pass.

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program. 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, 2013, the state board, in consultation with the department of education, the education roundtable, the commission for higher education, and the department of workforce development, shall develop 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 if the student subsequently attends a postsecondary educational institution or workforce training program upon graduation. Provides that the guidelines must include: (1) indicators to assist school personnel determine whether a student may be in need of supplemental instruction or remediation; and (2) standards and guidelines for secondary school personnel to determine when a student is required to be assessed using college and career readiness exam. Provides that the guidelines 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 minimize: (1) the likelihood that a student may fail a graduation exam; or (2) the necessity for postsecondary remedial course work by the student. Provides that if the appropriate school official determines, using the indicators established in the guidelines, that a student in grade 11 will likely require remedial work at a postsecondary educational institution or workforce training program or fail a graduation examination, the school official shall require the student to take a college and career readiness exam. Provides that a school official shall, based on the results of the exam, determine if the student is in need of additional remediation or instruction in a particular subject matter contained in the exam. Provides that a student who has been identified to need additional remedial work must pass a college and career readiness exam before the student may enroll in a dual credit course in a subject matter related to the subject matter in which the student has been identified to need additional remedial work. Provides that a school official shall inform the student's parent of the likelihood that the student will require remedial work while the student attends a postsecondary educational institution or workforce development program. Provides that a school official may establish a remediation or supplemental instruction plan with the student's parent. Provides that, after June 30, 2014, certain students who receive a graduation waiver, other than the work readiness waiver, and obtains a general curriculum diploma is disqualified from receiving any state scholarships, grants, or assistance administered by the commission for higher education unless the student passes a career and college readiness exam. 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 or double up program course.

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January 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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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:

- 1 SECTION 1. IC 20-26-13-10, AS AMENDED BY P.L.43-2009,
2 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2013]: Sec. 10. Except as provided in section 11 of this
4 chapter, the four (4) year graduation rate for a cohort in a high school
5 is the percentage determined under STEP FIVE of the following
6 formula:
7 STEP ONE: Determine the grade 9 enrollment at the beginning of
8 the reporting year three (3) years before the reporting year for
9 which the graduation rate is being determined.
10 STEP TWO: Add:
11 (A) the number determined under STEP ONE; and
12 (B) the number of students who:
13 (i) have enrolled in the high school after the date on which
14 the number determined under STEP ONE was determined;
15 and

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- 1 (ii) have the same expected graduation year as the cohort.
 2 STEP THREE: Subtract from the sum determined under STEP
 3 TWO the number of students who have left the cohort for any of
 4 the following reasons:
 5 (A) Transfer to another public or nonpublic school.
 6 (B) **Except as provided in IC 20-33-2-28.6**, removal by the
 7 student's parents under IC 20-33-2-28 to provide instruction
 8 equivalent to that given in the public schools.
 9 (C) Withdrawal because of a long term medical condition or
 10 death.
 11 (D) Detention by a law enforcement agency or the department
 12 of correction.
 13 (E) Placement by a court order or the department of child
 14 services.
 15 (F) Enrollment in a virtual school.
 16 (G) Leaving school, if the student attended school in Indiana
 17 for less than one (1) school year and the location of the student
 18 cannot be determined.
 19 (H) Leaving school, if the location of the student cannot be
 20 determined and the student has been reported to the Indiana
 21 clearinghouse for information on missing children and missing
 22 endangered adults.
 23 (I) Withdrawing from school before graduation, if the student
 24 is a high ability student (as defined in IC 20-36-1-3) who is a
 25 full-time student at an accredited institution of higher
 26 education during the semester in which the cohort graduates.
 27 STEP FOUR: Determine the total number of students determined
 28 under STEP TWO who have graduated during the current
 29 reporting year or a previous reporting year.
 30 STEP FIVE: Divide:
 31 (A) the number determined under STEP FOUR; by
 32 (B) the remainder determined under STEP THREE.
 33 SECTION 2. IC 20-30-4-6, AS AMENDED BY P.L.140-2008,
 34 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2013]: Sec. 6. (a) A student's guidance counselor shall, in
 36 consultation with the student and the student's parent, review annually
 37 a student's graduation plan that was developed in grade 9 under section
 38 2 of this chapter to determine if the student is progressing toward
 39 fulfillment of the graduation plan.
 40 (b) If a student is not progressing toward fulfillment of the
 41 graduation plan, the school counselor shall provide counseling services
 42 for the purpose of advising the student of credit recovery options and

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1 services available to help the student progress toward graduation.

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

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

8 **(2) parents of the student; and**

9 **(3) student;**

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

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

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

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

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

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

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

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

30 (B) information on home study techniques; and

31 (C) access to school resources.

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

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

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

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

39 (7) A provision to maintain a safe and disciplined learning
 40 environment for students and teachers that complies with the
 41 governing body's plan for improving student behavior and
 42 discipline developed under IC 20-26-5-32.

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- 1 (8) A provision for the coordination of technology initiatives and
 2 ongoing professional development activities.
- 3 (b) If, for a purpose other than a plan under this chapter, a school
 4 has developed materials that are substantially similar to a component
 5 listed in subsection (a), the school may substitute those materials for
 6 the component listed in subsection (a).
- 7 SECTION 4. IC 20-31-8-1, AS ADDED BY P.L.1-2005, SECTION
 8 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 9 2013]: Sec. 1. (a) The performance of a school's students on the ISTEP
 10 program test and other assessments recommended by the education
 11 roundtable and approved by the state board are the primary and
 12 majority means of assessing a school's improvement.
- 13 (b) The education roundtable shall examine and make
 14 recommendations to the state board concerning:
- 15 (1) performance indicators to be used as a secondary means of
 16 determining school progress;
- 17 (2) expected progress levels, continuous improvement measures,
 18 distributional performance levels, and absolute performance
 19 levels for schools; and
- 20 (3) an orderly transition from the performance based accreditation
 21 system to the assessment system set forth in this article.
- 22 (c) The education roundtable shall consider methods of measuring
 23 improvement and progress used in other states in developing
 24 recommendations under this section.
- 25 **(d) The education roundtable may consider:**
- 26 **(1) the likelihood that a student may fail a graduation exam**
 27 **and require a graduation waiver under IC 20-32-4-4 or**
 28 **IC 20-32-4-5; and**
- 29 **(2) remedial needs of students who are likely to require**
 30 **remedial work while the students attend a postsecondary**
 31 **educational institution or workforce training program;**
 32 **when making recommendations under this section.**
- 33 SECTION 5. IC 20-32-4-0.3 IS REPEALED [EFFECTIVE JULY
 34 1, 2013]. Sec. 0.3: Notwithstanding the amendments made to section
 35 † of this chapter by P.L.105-2005, the following apply before July †,
 36 2010:
- 37 (†) To be eligible to graduate from high school, each student is
 38 required to meet:
- 39 (A) the academic standards tested in the graduation
 40 examination; and
- 41 (B) any additional requirements established by the governing
 42 body.

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

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

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

14 (B) The student otherwise satisfies all state and local
 15 graduation requirements:

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

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

24 (B) Completes remediation opportunities provided to the
 25 student by the student's school:

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

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

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

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

37 (ii) be supported by documentation that the student has
 38 attained the academic standard in the subject area based
 39 upon tests other than the graduation examination or
 40 classroom work:

41 (F) Otherwise satisfies all state and local graduation
 42 requirements:

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

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

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

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

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

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

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

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

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

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

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

42 (1) Takes the graduation examination in each subject area in

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- 1 which the student did not achieve a passing score at least one (1)
 2 time every school year after the school year in which the student
 3 first takes the graduation examination.
 4 (2) Completes remediation opportunities provided to the student
 5 by the student's school.
 6 (3) Maintains a school attendance rate of at least ninety-five
 7 percent (95%) with excused absences not counting against the
 8 student's attendance.
 9 (4) Maintains at least a "C" average or the equivalent in the
 10 courses comprising the credits specifically required for graduation
 11 by rule of the state board.
 12 (5) Otherwise satisfies all state and local graduation requirements.
 13 (6) Either:
 14 (A) completes:
 15 (i) the course and credit requirements for a general diploma,
 16 including the career academic sequence;
 17 (ii) a workforce readiness assessment; and
 18 (iii) at least one (1) ~~career exploration internship,~~
 19 ~~cooperative education,~~ **industry certification** or workforce
 20 credential recommended by the student's school; or
 21 (B) obtains a written recommendation from a teacher of the
 22 student in each subject area in which the student has not
 23 achieved a passing score on the graduation examination. The
 24 written recommendation must be **aligned with the governing**
 25 **body's relevant policy and must** be concurred in by the
 26 principal of the student's school and be supported by
 27 documentation that the student has attained the academic
 28 standard in the subject area based on:
 29 (i) tests other than the graduation examination; or
 30 (ii) classroom work.
 31 SECTION 7. IC 20-32-4-5, AS ADDED BY P.L.1-2005, SECTION
 32 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 33 2013]: Sec. 5. (a) This section applies to a student who is a child with
 34 a disability (as defined in IC 20-35-1-2).
 35 (b) If the student does not achieve a passing score on the graduation
 36 examination, the student's case conference committee may determine
 37 that the student is eligible to graduate if the case conference committee
 38 finds the following:
 39 (1) The student's teacher of record, in consultation with a teacher
 40 of the student in each subject area in which the student has not
 41 achieved a passing score, makes a written recommendation to the
 42 case conference committee. The recommendation must:

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- 1 **(A) be aligned with the governing body's relevant policy;**
 2 ~~(A)~~ **(B)** be concurred in by the principal of the student's
 3 school; and
 4 ~~(B)~~ **(C)** be supported by documentation that the student has
 5 attained the academic standard in the subject area based on:
 6 (i) tests other than the graduation examination; or
 7 (ii) classroom work.
- 8 (2) The student meets all the following requirements:
 9 (A) Retakes the graduation examination in each subject area
 10 in which the student did not achieve a passing score as often
 11 as required by the student's individualized education program.
 12 (B) Completes remediation opportunities provided to the
 13 student by the student's school to the extent required by the
 14 student's individualized education program.
 15 (C) Maintains a school attendance rate of at least ninety-five
 16 percent (95%) to the extent required by the student's
 17 individualized education program with excused absences not
 18 counting against the student's attendance.
 19 (D) Maintains at least a "C" average or the equivalent in the
 20 courses comprising the credits specifically required for
 21 graduation by rule of the state board.
 22 (E) Otherwise satisfies all state and local graduation
 23 requirements.
- 24 SECTION 8. IC 20-32-8-4, AS ADDED BY P.L.1-2005, SECTION
 25 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 26 2013]: Sec. 4. The remediation grant program is established to provide
 27 grants to school corporations for the following:
 28 (1) Remediation of students who score below academic standards.
 29 (2) Preventive remediation for students who are at risk of falling
 30 below academic standards.
 31 (3) For students in a freeway school or freeway school corporation
 32 who are assessed under a locally adopted assessment program
 33 under IC 20-26-15-6(7):
 34 (A) remediation of students who score below academic
 35 standards under the locally adopted assessment program; and
 36 (B) preventive remediation for students who are at risk of
 37 falling below academic standards under the locally adopted
 38 assessment program.
- 39 **(4) Targeted instruction of students to:**
 40 **(A) reduce the likelihood that a student may fail a**
 41 **graduation exam and require a graduation waiver under**
 42 **IC 20-32-4-4 or IC 20-32-4-5; or**

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1 **(B) minimize the necessity of remedial work of students**
2 **while the students attend postsecondary educational**
3 **institutions or workforce training programs.**
4 SECTION 9. IC 20-32-9 IS ADDED TO THE INDIANA CODE AS
5 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
6 1, 2013]:
7 **Chapter 9. Postsecondary and Workforce Training Program**
8 **Remediation Reduction**
9 **Sec. 1. Not later than July 1, 2013, the state board, in**
10 **consultation with the:**
11 **(1) education roundtable established under IC 20-19-4-2;**
12 **(2) commission for higher education established under**
13 **IC 21-18-2-1;**
14 **(3) department of workforce development established under**
15 **IC 22-4.1-2-1; and**
16 **(4) department;**
17 **shall develop guidelines to assist secondary schools in identifying**
18 **a student who is likely to require remedial work at a postsecondary**
19 **educational institution or workforce training program if the**
20 **student subsequently attends a postsecondary educational**
21 **institution or workforce training program upon graduation.**
22 **Sec. 2. The guidelines established in section 1 of this chapter:**
23 **(1) must include indicators to assist school personnel in**
24 **determining whether a student may be in need of**
25 **supplemental instruction or remediation to minimize the**
26 **student's need for remedial course work at a postsecondary**
27 **educational institution or workforce training program;**
28 **(2) must provide standards and guidelines for secondary**
29 **school personnel to determine when a student is required to**
30 **be assessed under section 3 of this chapter, including**
31 **guidelines that include:**
32 **(A) a description of the school official who may make a**
33 **determination to assess a student under section 3 of this**
34 **chapter; and**
35 **(B) thresholds for determining whether a student who**
36 **takes an examination under section 3 of this chapter**
37 **requires additional remediation or additional instruction;**
38 **and**
39 **(3) may provide best practices and strategies for improving**
40 **services and support provided by a school to assist a student**
41 **in achieving the level of academic performance that is**
42 **appropriate for the student's grade level to:**

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- 1 (A) reduce the likelihood that a student will fail a
- 2 graduation exam and require a graduation waiver under
- 3 IC 20-32-4-4 or IC 20-32-4-5; or
- 4 (B) minimize the necessity for postsecondary remedial
- 5 course work by the student.

6 Sec. 3. (a) If the appropriate secondary school official
 7 determines, using the indicators established in section 2 of this
 8 chapter, that a student in grade 11:

- 9 (1) has failed a graduation exam and may require a
- 10 graduation waiver under IC 20-32-4-4 or IC 20-32-4-5; or
- 11 (2) will likely require remedial work at a postsecondary
- 12 educational institution or workforce training program;

13 the appropriate secondary school official shall require the student
 14 to take a college and career readiness exam approved by the state
 15 board in consultation with the department, the commission for
 16 higher education established under IC 21-18-2-1, the education
 17 roundtable established under IC 20-19-4-2, and the department of
 18 workforce development under IC 22-4.1-2-1. The cost of the exam
 19 shall be paid by the department.

20 (b) If a student is required to take an exam under subsection (a),
 21 the appropriate school official shall make a determination based on
 22 the guidelines established in section 2 of this chapter as to whether
 23 the student is in need of additional instruction or remedial action
 24 with respect to a particular subject matter covered in the exam. If
 25 the appropriate school official determines that a student who takes
 26 an exam under subsection (a) is in need of remediation or
 27 supplemental instruction to prevent the need for remediation at a
 28 postsecondary educational institution or workforce development
 29 program, the appropriate school official shall inform the student's
 30 parent:

- 31 (1) of the likelihood that the student will require remedial
- 32 course work;
- 33 (2) of the potential financial impact on the student or the
- 34 parent for the additional remedial course work described in
- 35 subdivision (1); and
- 36 (3) of the additional time that may be required to earn a
- 37 degree;

38 while the student attends a postsecondary educational institution
 39 or workforce development program. The appropriate secondary
 40 school official may establish a remediation or supplemental
 41 instruction plan with the student's parent.

- 42 (c) Before a student determined to need additional instruction

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1 or remedial action under subsection (b) with respect to a particular
 2 subject matter may enroll in a dual credit course under IC 21-43
 3 in the same subject matter or a related subject matter, the student
 4 may receive additional instruction or remedial course work and
 5 must retake the examination described in subsection (a). If the
 6 appropriate school official determines that the student no longer
 7 requires additional instruction or remedial action under the
 8 guidelines established under section 2 of this chapter after retaking
 9 the exam under this section, the student may enroll in a dual credit
 10 course under IC 21-43. The cost of the administration of the exam
 11 under this subsection shall be paid by the department.

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

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

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

31 SECTION 11. IC 21-18.5-4-8.5 IS ADDED TO THE INDIANA
 32 CODE AS A NEW SECTION TO READ AS FOLLOWS
 33 [EFFECTIVE JULY 1, 2013]: **Sec. 8.5. (a) This section does not**
 34 **apply to a student who:**

- 35 (1) receives a graduation waiver under IC 20-32-4-4; and
 - 36 (2) receives a general diploma by satisfying the conditions set
 37 forth in IC 20-32-4-4, including, with respect to
 38 IC 20-32-4-4(6), the condition set forth in IC 20-32-4-4(6)(B);
- 39 if the student has an individualized education program under
 40 IC 20-35-7.

41 (b) Except as provided in subsection (a), this section applies to
 42 a student who receives a graduation waiver under IC 20-32-4-4

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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 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.

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 in which a student enrolls after June 30, 2014. A student must achieve 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.**

SECTION 14. IC 21-43-5-5, AS ADDED BY P.L.2-2007, SECTION 284, IS AMENDED TO READ AS FOLLOWS

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1 [EFFECTIVE JULY 1, 2013]: Sec. 5. (a) Except as provided in
2 subsection (b), a student is entitled to credit toward graduation
3 requirements for a course the student successfully completes at the
4 eligible institution.

5 (b) This subsection applies to a course in which a student enrolls
6 after June 30, 2014. A student must achieve an equivalent of a 2.0
7 on a 4.0 unweighted grading scale, as established by the eligible
8 institution, in order for the student to receive postsecondary credit
9 for the course.

10 SECTION 15. [EFFECTIVE UPON PASSAGE] (a) The Indiana
11 state board of education established by IC 20-19-2-2, in
12 consultation with the:

- 13 (1) education roundtable established by IC 20-19-4-2;
- 14 (2) commission for higher education established by
15 IC 21-18-2-1;
- 16 (3) department of workforce development established by
17 IC 22-4.1-2-1; and
- 18 (4) department;

19 shall begin developing the guidelines described in IC 20-32-9-1, as
20 added by this act, in the manner described in IC 20-32-9, as added
21 by this act. The guidelines must be completed by July 1, 2013.

22 (b) This SECTION expires January 1, 2014.

23 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

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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 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 ".".

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

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(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 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

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graduation by rule of the board:

(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

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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 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.**".

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

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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); 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.

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