

**CONFERENCE COMMITTEE REPORT  
DIGEST FOR ESB 338**

**Citations Affected:** IC 2-5-38.1-2.2; IC 20-18-2; IC 20-19-3-12.2; IC 20-20-8; IC 20-30-2-2.2; IC 20-31-5.

**Synopsis:** Absenteeism; school improvement plans. Conference committee report for ESB 338. Refers issues related to absenteeism to the commission on education study committee. Requires the department of education to provide resources and guidance to school corporations concerning evidence-based practices and effective strategies to reduce absenteeism. Makes changes to the definition of: (1) chronic absenteeism; and (2) habitual truant. Requires school corporations and schools to identify contributing factors to absenteeism and to develop chronic absence reduction plans. Provides that a school corporation must include the number of students who are habitually truant in the school corporation's annual performance report. Provides that a school that is designated in the top category or designation of school improvement in the year immediately preceding a year in which the school's strategic and continuous school improvement plan (plan) initially goes into effect is not required to include certain achievement objectives or components in the school's plan. Makes conforming amendments. **(This conference committee report: (1) removes language added in the house concerning a charter school organizer that has had the organizer's charter revoked or not renewed, and concerning the Paths to QUALITY program and a matching grant program for early education providers; (2) changes the schools that are not required to include certain components in the schools' plans from those in the top two categories of school improvement to those in the top category of school improvement; and (3) reconciles conflicts with other bills.)**

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

Adopted      Rejected

## CONFERENCE COMMITTEE REPORT

**MR. SPEAKER:**

*Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill No. 338 respectfully reports that said two committees have conferred and agreed as follows to wit:*

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

- 1            Delete everything after the enacting clause and insert the following:  
2            SECTION 1. IC 2-5-38.1-2.2 IS ADDED TO THE INDIANA  
3            CODE AS A NEW SECTION TO READ AS FOLLOWS  
4            [EFFECTIVE UPON PASSAGE]: **Sec. 2.2. The commission is**  
5            **established to study and evaluate the following issues, in addition**  
6            **to those set forth in section 2 of this chapter:**  
7            **(1) The development of definitions of excused and unexcused**  
8            **absences from school.**  
9            **(2) The effectiveness of voluntary agreements between school**  
10            **corporations and courts having juvenile jurisdiction in**  
11            **providing court supervised educational programs, alternative**  
12            **programs, or diversion programs for students who are**  
13            **habitually truant, suspended, or expelled from school,**  
14            **including:**  
15            **(A) the number and types of agreements and programs in**  
16            **Indiana;**  
17            **(B) the effects of the programs on families and students;**  
18            **and**  
19            **(C) the success of the programs in reintegrating students**  
20            **into the classroom.**  
21            **(3) Evidence based practices and model programs for**

- 1           **reducing absenteeism and supporting student engagement and**  
 2           **achievement.**  
 3           **(4) The feasibility of modifying Temporary Assistance for**  
 4           **Needy Families (TANF) program eligibility for households to**  
 5           **include school attendance requirements for students.**  
 6           **(5) Any other issue related to student absenteeism.**  
 7           SECTION 2. IC 20-18-2-2.6 IS ADDED TO THE INDIANA CODE  
 8           AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY  
 9           1, 2013]: **Sec. 2.6. "Chronic absenteeism" has the meaning set forth**  
 10          **in IC 20-20-8-8.**  
 11          SECTION 3. IC 20-18-2-6.5 IS ADDED TO THE INDIANA CODE  
 12          AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY  
 13          1, 2013]: **Sec. 6.5. "Habitual truant" has the meaning set forth in**  
 14          **IC 20-20-8-8.**  
 15          SECTION 4. IC 20-19-3-12.2 IS ADDED TO THE INDIANA  
 16          CODE AS A **NEW SECTION** TO READ AS FOLLOWS  
 17          [EFFECTIVE JULY 1, 2013]: **Sec. 12.2. (a) The department shall**  
 18          **make reduction of absenteeism in schools a policy priority and**  
 19          **direct school corporations and schools to:**  
 20                  **(1) identify contributing factors of absenteeism; and**  
 21                  **(2) develop chronic absence reduction plans to include as a**  
 22                  **component of the school improvement plans required under**  
 23                  **IC 20-31-5.**  
 24                  **(b) The department shall provide resources and guidance to**  
 25                  **school corporations concerning evidence based practices and**  
 26                  **effective strategies that reduce absenteeism in schools.**  
 27          SECTION 5. IC 20-20-8-8 (*CURRENT VERSION*), AS AMENDED  
 28          BY P.L.3-2008, SECTION 115, IS AMENDED TO READ AS  
 29          FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 8. The report must**  
 30          include the following information:  
 31                  (1) Student enrollment.  
 32                  (2) Graduation rate (as defined in IC 20-26-13-6).  
 33                  (3) Attendance rate.  
 34                  (4) The following test scores, including the number and  
 35                  percentage of students meeting academic standards:  
 36                          (A) ISTEP program test scores.  
 37                          (B) Scores for assessments under IC 20-32-5-21, if  
 38                          appropriate.  
 39                          (C) For a freeway school, scores on a locally adopted  
 40                          assessment program, if appropriate.  
 41                  (5) Average class size.  
 42                  (6) The number and percentage of students in the following  
 43                  groups or programs:  
 44                          (A) Alternative education, if offered.  
 45                          (B) Career and technical education.  
 46                          (C) Special education.  
 47                          (D) High ability.  
 48                          (E) Remediation.  
 49                          (F) Limited English language proficiency.  
 50                          (G) Students receiving free or reduced price lunch under the  
 51                  national school lunch program.

- 1 (H) School flex program, if offered.
- 2 (7) Advanced placement, including the following:
- 3 (A) For advanced placement tests, the percentage of students:
- 4 (i) scoring three (3), four (4), and five (5); and
- 5 (ii) taking the test.
- 6 (B) For the Scholastic Aptitude Test:
- 7 (i) test scores for all students taking the test;
- 8 (ii) test scores for students completing the academic honors
- 9 diploma program; and
- 10 (iii) the percentage of students taking the test.
- 11 (8) Course completion, including the number and percentage of
- 12 students completing the following programs:
- 13 (A) Academic honors diploma.
- 14 (B) Core 40 curriculum.
- 15 (C) Career and technical programs.
- 16 (9) The percentage of grade 8 students enrolled in algebra I.
- 17 (10) The percentage of graduates who pursue higher education.
- 18 (11) School safety, including:
- 19 (A) the number of students receiving suspension or expulsion
- 20 for the possession of alcohol, drugs, or weapons; and
- 21 (B) the number of incidents reported under IC 20-33-9.
- 22 (12) Financial information and various school cost factors,
- 23 including the following:
- 24 (A) Expenditures per pupil.
- 25 (B) Average teacher salary.
- 26 (C) Remediation funding.
- 27 (13) Technology accessibility and use of technology in
- 28 instruction.
- 29 (14) Interdistrict and intradistrict student mobility rates, if that
- 30 information is available.
- 31 (15) The number and percentage of each of the following within
- 32 the school corporation:
- 33 (A) Teachers who are certificated employees (as defined in
- 34 IC 20-29-2-4).
- 35 (B) Teachers who teach the subject area for which the teacher
- 36 is certified and holds a license.
- 37 (C) Teachers with national board certification.
- 38 (16) The percentage of grade 3 students reading at grade 3 level.
- 39 (17) The number of students expelled, including the number
- 40 participating in other recognized education programs during their
- 41 expulsion.
- 42 (18) Chronic absenteeism, which includes the number of students
- 43 who have been absent ~~more than ten (10) days from school within~~
- 44 **a for ten percent (10%) or more of a school year for any**
- 45 **reason. without being excused.**
- 46 **(19) Habitual truancy, which includes the number of students**
- 47 **who have been absent ten (10) days or more from school**
- 48 **within a school year without being excused or without being**
- 49 **absent under a parental request that has been filed with the**
- 50 **school.**

- 1           ~~(19)~~ **(20)** The number of students who have dropped out of  
 2 school, including the reasons for dropping out.  
 3           ~~(20)~~ **(21)** The number of student work permits revoked.  
 4           ~~(21)~~ **(22)** The number of student driver's licenses revoked.  
 5           ~~(22)~~ **(23)** The number of students who have not advanced to grade  
 6 10 due to a lack of completed credits.  
 7           ~~(23)~~ **(24)** The number of students suspended for any reason.  
 8           ~~(24)~~ **(25)** The number of students receiving an international  
 9 baccalaureate diploma.  
 10           ~~(25)~~ **(26)** Other indicators of performance as recommended by the  
 11 education roundtable under IC 20-19-4.  
 12           SECTION 6. IC 20-20-8-8 (*DELAYED VERSION*), AS AMENDED  
 13 BY HEA 1423-2013, SECTION 2, IS AMENDED TO READ AS  
 14 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. The report must  
 15 include the following information:  
 16           (1) Student enrollment.  
 17           (2) Graduation rate (as defined in IC 20-26-13-6).  
 18           (3) Attendance rate.  
 19           (4) The following test scores, including the number and  
 20 percentage of students meeting academic standards:  
 21           (A) ISTEP program test scores.  
 22           (B) Scores for assessments under IC 20-32-5-21, if  
 23 appropriate.  
 24           (C) For a freeway school, scores on a locally adopted  
 25 assessment program, if appropriate.  
 26           (5) Average class size.  
 27           (6) The number and percentage of students in the following  
 28 groups or programs:  
 29           (A) Alternative education, if offered.  
 30           (B) Career and technical education.  
 31           (C) Special education.  
 32           (D) High ability.  
 33           (E) Remediation.  
 34           (F) Limited English language proficiency.  
 35           (G) Students receiving free or reduced price lunch under the  
 36 national school lunch program.  
 37           (H) School flex program, if offered.  
 38           (7) Advanced placement, including the following:  
 39           (A) For advanced placement tests, the percentage of students:  
 40           (i) scoring three (3), four (4), and five (5); and  
 41           (ii) taking the test.  
 42           (B) For the Scholastic Aptitude Test:  
 43           (i) test scores for all students taking the test;  
 44           (ii) test scores for students completing the academic honors  
 45 diploma program; and  
 46           (iii) the percentage of students taking the test.  
 47           (8) Course completion, including the number and percentage of  
 48 students completing the following programs:  
 49           (A) Academic honors diploma.  
 50           (B) Core 40 curriculum.

- 1 (C) Career and technical programs.
- 2 (9) The percentage of grade 8 students enrolled in algebra I.
- 3 (10) The percentage of graduates who pursue higher education.
- 4 (11) School safety, including:
- 5 (A) the number of students receiving suspension or expulsion
- 6 for the possession of alcohol, drugs, or weapons;
- 7 (B) the number of incidents reported under IC 20-33-9; and
- 8 (C) the number of bullying incidents reported under
- 9 IC 20-34-6 by category.
- 10 (12) Financial information and various school cost factors,
- 11 including the following:
- 12 (A) Expenditures per pupil.
- 13 (B) Average teacher salary.
- 14 (C) Remediation funding.
- 15 (13) Technology accessibility and use of technology in
- 16 instruction.
- 17 (14) Interdistrict and intradistrict student mobility rates, if that
- 18 information is available.
- 19 (15) The number and percentage of each of the following within
- 20 the school corporation:
- 21 (A) Teachers who are certificated employees (as defined in
- 22 IC 20-29-2-4).
- 23 (B) Teachers who teach the subject area for which the teacher
- 24 is certified and holds a license.
- 25 (C) Teachers with national board certification.
- 26 (16) The percentage of grade 3 students reading at grade 3 level.
- 27 (17) The number of students expelled, including the number
- 28 participating in other recognized education programs during their
- 29 expulsion.
- 30 (18) Chronic absenteeism, which includes the number of students
- 31 who have been absent ~~more than ten (10) days~~ from school ~~within~~
- 32 **a for ten percent (10%) or more of a school year for any**
- 33 **reason. without being excused.**
- 34 **(19) Habitual truancy, which includes the number of students**
- 35 **who have been absent ten (10) days or more from school**
- 36 **within a school year without being excused or without being**
- 37 **absent under a parental request that has been filed with the**
- 38 **school.**
- 39 ~~(19)~~ **(20)** The number of students who have dropped out of
- 40 school, including the reasons for dropping out.
- 41 ~~(20)~~ **(21)** The number of student work permits revoked.
- 42 ~~(21)~~ **(22)** The number of student driver's licenses revoked.
- 43 ~~(22)~~ **(23)** The number of students who have not advanced to grade
- 44 10 due to a lack of completed credits.
- 45 ~~(23)~~ **(24)** The number of students suspended for any reason.
- 46 ~~(24)~~ **(25)** The number of students receiving an international
- 47 baccalaureate diploma.
- 48 ~~(25)~~ **(26)** Other indicators of performance as recommended by the
- 49 education roundtable under IC 20-19-4.
- 50 SECTION 7. IC 20-30-2-2.2, AS ADDED BY P.L.242-2005,

1 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
2 JULY 1, 2013]: Sec. 2.2. (a) As used in this section, "eligible student"  
3 means a student in grade 11 or 12 who has:

- 4 (1) failed the ISTEP+ graduation exam at least twice;
- 5 (2) been determined to be chronically absent, by missing ~~more~~  
6 ~~than ten (10) unexcused days of school in one (1) ten percent~~  
7 **(10%) or more of a school year for any reason;**
- 8 (3) been determined to be a habitual truant, as identified under  
9 IC 20-33-2-11;
- 10 (4) been significantly behind in credits for graduation, as  
11 identified by an individual's school principal;
- 12 (5) previously undergone at least a second suspension from school  
13 for the school year under IC 20-33-8-14 or IC 20-33-8-15;
- 14 (6) previously undergone an expulsion from school under  
15 IC 20-33-8-14, IC 20-33-8-15, or IC 20-33-8-16; or
- 16 (7) been determined by the individual's principal and the  
17 individual's parent or guardian to benefit by participating in the  
18 school flex program.

19 (b) An eligible student who participates in a school flex program  
20 must:

- 21 (1) attend school for at least three (3) hours of instructional time  
22 per school day;
- 23 (2) pursue a timely graduation;
- 24 (3) provide evidence of college or technical career education  
25 enrollment and attendance or proof of employment and labor that  
26 is aligned with the student's career academic sequence under rules  
27 established by the Indiana bureau of child labor;
- 28 (4) not be suspended or expelled while participating in a school  
29 flex program;
- 30 (5) pursue course and credit requirements for a general diploma;  
31 and
- 32 (6) maintain a ninety-five percent (95%) attendance rate.

33 (c) A school may allow an eligible student in grade 11 or 12 to  
34 complete an instructional day that consists of three (3) hours of  
35 instructional time if the student participates in the school flex program.

36 (d) If one (1) or more students participate in a school flex program,  
37 the principal shall, on forms provided by the department, submit a  
38 yearly report to the department of student participation and graduation  
39 rates of students who participate in the school flex program.

40 SECTION 8. IC 20-31-5-4, AS ADDED BY P.L.1-2005, SECTION  
41 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
42 2013]: Sec. 4. (a) A plan must:

- 43 (1) state objectives for a three (3) year period; and
- 44 (2) be annually reviewed and revised to accomplish the  
45 achievement objectives of the school.

46 (b) A plan must establish objectives for the school to achieve.

47 **(c) This subsection does not apply to a school that is designated**  
48 **in the top category or designation of school improvement under**  
49 **IC 20-31-8-4 in the year immediately preceding the year in which**  
50 **the school's initial plan is implemented.** These achievement

1 objectives must be consistent with academic standards and include  
2 improvement in at least the following areas:

3 (1) Attendance rate, **as set forth in the plan developed under**  
4 **IC 20-19-3-12.2.**

5 **(2) The educational needs of students who have been**  
6 **identified to be chronically absent or habitually truant from**  
7 **school.**

8 ~~(2)~~ **(3)** The percentage of students meeting academic standards  
9 under the ISTEP program (IC 20-31-3 and IC 20-32-5).

10 ~~(3)~~ **(4)** For a secondary school, graduation rate.

11 ~~(4)~~ **(d)** A plan must address the learning needs of all students,  
12 including programs and services for exceptional learners.

13 ~~(5)~~ **(e)** A plan must specify how and to what extent the school  
14 expects to make continuous improvement in all areas of the education  
15 system where results are measured by setting benchmarks for progress  
16 on an individual school basis.

17 ~~(6)~~ **(f)** A plan must note specific areas where improvement is needed  
18 immediately.

19 SECTION 9. IC 20-31-5-6, AS AMENDED BY P.L.66-2009,  
20 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
21 JULY 1, 2013]: Sec. 6. (a) **This section does not apply to a school**  
22 **that is designated in the top category or designation of school**  
23 **improvement under IC 20-31-8-4 in the year immediately**  
24 **preceding the year in which the school's initial plan is**  
25 **implemented.** A plan must contain the following components for the  
26 school:

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

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

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

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

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

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

41 (B) information on home study techniques; and

42 (C) access to school resources.

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

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

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

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

- 1 discipline developed under IC 20-26-5-32.  
2 (8) A provision for the coordination of technology initiatives and  
3 ongoing professional development activities.  
4 (b) If, for a purpose other than a plan under this chapter, a school  
5 has developed materials that are substantially similar to a component  
6 listed in subsection (a), the school may substitute those materials for  
7 the component listed in subsection (a).  
8 **SECTION 10. An emergency is declared for this act.**  
(Reference is to ESB 338 as reprinted April 11, 2013.)

**Conference Committee Report**  
**on**  
**Engrossed Senate Bill 338**

**S**igned by:

---

Senator Kruse  
Chairperson

---

Representative Behning

---

Senator Rogers

---

Representative Smith V

**Senate Conferees**

**House Conferees**