
HOUSE BILL No. 1340

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-26-13-10; IC 20-30-4-6; IC 20-31-5-6; IC 20-32-4; IC 20-33-2-28.6.

Synopsis: High school graduation waivers. Requires the principal of a public school to inform a student and a parent of a student transferring to a 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 sign 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 graduation rate. 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 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 to reduce the number of graduation exam waivers. Provides that a teacher's recommendation for a graduation waiver must be aligned with the school corporation's policy. Provides as part of the graduation requirements for a student who fails the graduation exam that: (1) the student must complete the course and credit requirements for a general diploma, a workforce readiness assessment, and at least one industry certification or
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Effective: July 1, 2013.

Behning

January 17, 2013, read first time and referred to Committee on Education.



Digest Continued

workforce credential recommended by the student's school; or (2) if the student receives a recommendation from the student's teacher, the recommendation must be supported by classroom work and acceptance at an approved postsecondary educational institution whose students are eligible to receive a higher education award or a freedom of choice grant which will result in an approved postsecondary degree or credential. Repeals a provision relating to graduation standards prior to July 1, 2010. Makes a technical correction.

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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. 1340



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



- 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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(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 20-32-4-0.3 IS REPEALED [EFFECTIVE JULY 1, 2013]. Sec. 0.3: Notwithstanding the amendments made to section 4 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

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

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1 percent (95%) to the extent required by the student's
 2 individualized education program with excused absences not
 3 counting against the student's attendance.

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

7 (v) Otherwise satisfies all state and local graduation
 8 requirements:

9 SECTION 5. IC 20-32-4-4, AS AMENDED BY P.L.185-2006,
 10 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2013]: Sec. 4. ~~Beginning with the 2005-2006 school year,~~ A
 12 student who does not achieve a passing score on the graduation
 13 examination and who does not meet the requirements of section 1 of
 14 this chapter may be eligible to graduate if the student does all the
 15 following:

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

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

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

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

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

29 (6) Either:

30 (A) completes:

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

33 (ii) a workforce readiness assessment; and

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

37 (B) obtains a written recommendation from a teacher of the
 38 student in each subject area in which the student has not
 39 achieved a passing score on the graduation examination. The
 40 written recommendation must **be aligned with the governing**
 41 **body's relevant policy and must** be concurred in by the
 42 principal of the student's school and be supported by

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1 documentation that the student has attained the academic
2 standard in the subject area based on:

- 3 (i) tests other than the graduation examination; or
4 (ii) classroom work **and acceptance at an approved**
5 **postsecondary educational institution whose students are**
6 **eligible to receive a higher education award under**
7 **IC 21-12-3 or a freedom of choice grant under**
8 **IC 21-12-4 that will result in an approved postsecondary**
9 **degree or credential.**

10 SECTION 6. IC 20-32-4-5, AS ADDED BY P.L. 1-2005, SECTION
11 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
12 2013]: Sec. 5. (a) This section applies to a student who is a child with
13 a disability (as defined in IC 20-35-1-2).

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

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

22 **(A) be aligned with the governing body's relevant policy;**
23 ~~(A)~~ **(B)** be concurred in by the principal of the student's
24 school; and

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

- 27 (i) tests other than the graduation examination; or
28 (ii) classroom work.

29 (2) The student meets all the following requirements:

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

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

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

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

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

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

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

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

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