



February 22, 2013

SENATE BILL No. 338

DIGEST OF SB 338 (Updated February 20, 2013 6:32 pm - DI 71)

Citations Affected: IC 20-18; IC 20-19; IC 20-20; IC 20-30; IC 20-31; noncode.

Synopsis: Chronic school absenteeism. 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 corporation's strategic and continuous school improvement plan must include objectives relating to the educational needs of students who are chronically absent or habitually truant from school. Requests the legislative council to establish a study committee to examine issues related to absenteeism. Makes conforming amendments.

Effective: Upon passage; July 1, 2013.

Kruse, Yoder

January 8, 2013, read first time and referred to Committee on Education and Career Development.
February 21, 2013, amended, reported favorably — Do Pass.

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SB 338—LS 6472/DI 116+



February 22, 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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SENATE BILL No. 338

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 20-18-2-2.7 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2013]: **Sec. 2.7. "Chronic absenteeism" has the meaning set forth**
4 **in IC 20-20-8-8.**

5 SECTION 2. IC 20-18-2-6.5 IS ADDED TO THE INDIANA CODE
6 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
7 1, 2013]: **Sec. 6.5. "Habitual truant" has the meaning set forth in**
8 **IC 20-33-2-11.**

9 SECTION 3. IC 20-19-3-12 IS ADDED TO THE INDIANA CODE
10 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
11 1, 2013]: **Sec. 12. (a) The department shall make reduction of**
12 **absenteeism in schools a policy priority and direct school**
13 **corporations and schools to:**

14 (1) **identify contributing factors of absenteeism; and**
15 (2) **develop chronic absence reduction plans to include as a**
16 **component of the school improvement plans required under**
17 **IC 20-31-5.**

SB 338—LS 6472/DI 116+



1 **(b) The department shall provide resources and guidance to**
 2 **school corporations concerning evidence based practices and**
 3 **effective strategies that reduce absenteeism in schools.**

4 SECTION 4. IC 20-20-8-8, AS AMENDED BY P.L.3-2008,
 5 SECTION 115, IS AMENDED TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2013]: Sec. 8. The report must include the
 7 following information:

8 (1) Student enrollment.

9 (2) Graduation rate (as defined in IC 20-26-13-6).

10 (3) Attendance rate.

11 (4) The following test scores, including the number and
 12 percentage of students meeting academic standards:

13 (A) ISTEP program test scores.

14 (B) Scores for assessments under IC 20-32-5-21, if
 15 appropriate.

16 (C) For a freeway school, scores on a locally adopted
 17 assessment program, if appropriate.

18 (5) Average class size.

19 (6) The number and percentage of students in the following
 20 groups or programs:

21 (A) Alternative education, if offered.

22 (B) Career and technical education.

23 (C) Special education.

24 (D) High ability.

25 (E) Remediation.

26 (F) Limited English language proficiency.

27 (G) Students receiving free or reduced price lunch under the
 28 national school lunch program.

29 (H) School flex program, if offered.

30 (7) Advanced placement, including the following:

31 (A) For advanced placement tests, the percentage of students:

32 (i) scoring three (3), four (4), and five (5); and

33 (ii) taking the test.

34 (B) For the Scholastic Aptitude Test:

35 (i) test scores for all students taking the test;

36 (ii) test scores for students completing the academic honors
 37 diploma program; and

38 (iii) the percentage of students taking the test.

39 (8) Course completion, including the number and percentage of
 40 students completing the following programs:

41 (A) Academic honors diploma.

42 (B) Core 40 curriculum.

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- 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; and
 7 (B) the number of incidents reported under IC 20-33-9.
 8 (12) Financial information and various school cost factors,
 9 including the following:
 10 (A) Expenditures per pupil.
 11 (B) Average teacher salary.
 12 (C) Remediation funding.
 13 (13) Technology accessibility and use of technology in
 14 instruction.
 15 (14) Interdistrict and intradistrict student mobility rates, if that
 16 information is available.
 17 (15) The number and percentage of each of the following within
 18 the school corporation:
 19 (A) Teachers who are certificated employees (as defined in
 20 IC 20-29-2-4).
 21 (B) Teachers who teach the subject area for which the teacher
 22 is certified and holds a license.
 23 (C) Teachers with national board certification.
 24 (16) The percentage of grade 3 students reading at grade 3 level.
 25 (17) The number of students expelled, including the number
 26 participating in other recognized education programs during their
 27 expulsion.
 28 (18) Chronic absenteeism, which includes the number of students
 29 who have been absent ~~more than ten (10) days~~ from school ~~within~~
 30 ~~a for ten percent (10%) or more of a school year for any~~
 31 ~~reason. without being excused.~~
 32 **(19) Habitual truancy, which includes the number of students**
 33 **who have been absent ten (10) days or more from school**
 34 **within a school year without being excused or without being**
 35 **absent under a parental request that has been filed with the**
 36 **school.**
 37 ~~(19)~~ **(20)** The number of students who have dropped out of
 38 school, including the reasons for dropping out.
 39 ~~(20)~~ **(21)** The number of student work permits revoked.
 40 ~~(21)~~ **(22)** The number of student driver's licenses revoked.
 41 ~~(22)~~ **(23)** The number of students who have not advanced to grade
 42 10 due to a lack of completed credits.

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- 1 ~~(23)~~ **(24)** The number of students suspended for any reason.
- 2 ~~(24)~~ **(25)** The number of students receiving an international
- 3 baccalaureate diploma.
- 4 ~~(25)~~ **(26)** Other indicators of performance as recommended by the
- 5 education roundtable under IC 20-19-4.
- 6 SECTION 5. IC 20-30-2-2.2, AS ADDED BY P.L.242-2005,
- 7 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 8 JULY 1, 2013]: Sec. 2.2. (a) As used in this section, "eligible student"
- 9 means a student in grade 11 or 12 who has:
- 10 (1) failed the ISTEP+ graduation exam at least twice;
- 11 (2) been determined to be chronically absent, by missing **more**
- 12 **than ten (10) unexcused days of school in one (1) ten percent**
- 13 **(10%) or more of a school year for any reason;**
- 14 (3) been determined to be a habitual truant, as identified under
- 15 IC 20-33-2-11;
- 16 (4) been significantly behind in credits for graduation, as
- 17 identified by an individual's school principal;
- 18 (5) previously undergone at least a second suspension from school
- 19 for the school year under IC 20-33-8-14 or IC 20-33-8-15;
- 20 (6) previously undergone an expulsion from school under
- 21 IC 20-33-8-14, IC 20-33-8-15, or IC 20-33-8-16; or
- 22 (7) been determined by the individual's principal and the
- 23 individual's parent or guardian to benefit by participating in the
- 24 school flex program.
- 25 (b) An eligible student who participates in a school flex program
- 26 must:
- 27 (1) attend school for at least three (3) hours of instructional time
- 28 per school day;
- 29 (2) pursue a timely graduation;
- 30 (3) provide evidence of college or technical career education
- 31 enrollment and attendance or proof of employment and labor that
- 32 is aligned with the student's career academic sequence under rules
- 33 established by the Indiana bureau of child labor;
- 34 (4) not be suspended or expelled while participating in a school
- 35 flex program;
- 36 (5) pursue course and credit requirements for a general diploma;
- 37 and
- 38 (6) maintain a ninety-five percent (95%) attendance rate.
- 39 (c) A school may allow an eligible student in grade 11 or 12 to
- 40 complete an instructional day that consists of three (3) hours of
- 41 instructional time if the student participates in the school flex program.
- 42 (d) If one (1) or more students participate in a school flex program,

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1 the principal shall, on forms provided by the department, submit a
 2 yearly report to the department of student participation and graduation
 3 rates of students who participate in the school flex program.

4 SECTION 6. IC 20-31-5-4, AS ADDED BY P.L.1-2005, SECTION
 5 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 6 2013]: Sec. 4. (a) A plan must:

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

10 (b) A plan must establish objectives for the school to achieve. These
 11 achievement objectives must be consistent with academic standards
 12 and include improvement in at least the following areas:

13 (1) Attendance rate, **as set forth in the plan developed under**
 14 **IC 20-19-3-12.**

15 **(2) The educational needs of students who have been**
 16 **identified to be chronically absent or habitually truant from**
 17 **school.**

18 ~~(2)~~ **(3)** The percentage of students meeting academic standards
 19 under the ISTEP program (IC 20-31-3 and IC 20-32-5).

20 ~~(3)~~ **(4)** For a secondary school, graduation rate.

21 (c) A plan must address the learning needs of all students, including
 22 programs and services for exceptional learners.

23 (d) A plan must specify how and to what extent the school expects
 24 to make continuous improvement in all areas of the education system
 25 where results are measured by setting benchmarks for progress on an
 26 individual school basis.

27 (e) A plan must note specific areas where improvement is needed
 28 immediately.

29 SECTION 7. [EFFECTIVE UPON PASSAGE] **(a) The legislative**
 30 **council is requested to establish a study committee on education**
 31 **matters during the 2013 legislative interim to study the following**
 32 **issues:**

33 **(1) The development of definitions of excused and unexcused**
 34 **absences from school.**

35 **(2) The effectiveness of voluntary agreements between school**
 36 **corporations and courts having juvenile jurisdiction in**
 37 **providing court supervised educational programs, alternative**
 38 **programs, or diversion programs for students who are**
 39 **habitually truant, suspended, or expelled from school,**
 40 **including:**

41 **(A) the number and types of agreements and programs in**
 42 **Indiana;**

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- 1 **(B) the effects of the programs on families and students;**
- 2 **and**
- 3 **(C) the success of the programs in reintegrating students**
- 4 **into the classroom.**
- 5 **(3) Evidence based practices and model programs for**
- 6 **reducing absenteeism and supporting student engagement and**
- 7 **achievement.**
- 8 **(4) Any other issue related to student absenteeism.**
- 9 **(b) This SECTION expires November 1, 2013.**
- 10 **SECTION 8. An emergency is declared for this act.**

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COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill No. 338, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 11, after "12." insert **"(a)"**.

Page 1, line 15, delete "." and insert **"to include as a component of the school improvement plans required under IC 20-31-5."**

(b) The department shall provide resources and guidance to school corporations concerning evidence based practices and effective strategies that reduce absenteeism in schools."

Page 3, line 29, delete "." and insert **"or without being absent under a parental request that has been filed with the school."**

Page 3, delete lines 41 through 42.

Page 4, delete lines 1 through 7.

Page 5, line 15, delete "." and insert **", as set forth in the plan developed under IC 20-19-3-12."**

Page 5, delete lines 30 through 42, begin a new paragraph and insert:

"SECTION 7. [EFFECTIVE UPON PASSAGE] (a) The legislative council is requested to establish a study committee on education matters during the 2013 legislative interim to study the following issues:

(1) The development of definitions of excused and unexcused absences from school.

(2) The effectiveness of voluntary agreements between school corporations and courts having juvenile jurisdiction in providing court supervised educational programs, alternative programs, or diversion programs for students who are habitually truant, suspended, or expelled from school, including:

(A) the number and types of agreements and programs in Indiana;

(B) the effects of the programs on families and students; and

(C) the success of the programs in reintegrating students into the classroom.

(3) Evidence based practices and model programs for reducing absenteeism and supporting student engagement and achievement.

(4) Any other issue related to student absenteeism.



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(b) This SECTION expires November 1, 2013.
SECTION 8. An emergency is declared for this act."

Delete pages 6 through 12.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 338 as introduced.)

KRUSE, Chairperson

Committee Vote: Yeas 12, Nays 0.

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