

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.

SENATE ENROLLED ACT No. 338

AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 2-5-38.1-2.2 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE UPON PASSAGE]: **Sec. 2.2. The commission is established to study and evaluate the following issues, in addition to those set forth in section 2 of this chapter:**

- (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.**

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(4) The feasibility of modifying Temporary Assistance for Needy Families (TANF) program eligibility for households to include school attendance requirements for students.

(5) Any other issue related to student absenteeism.

SECTION 2. IC 20-18-2-2.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 2.6. "Chronic absenteeism" has the meaning set forth in IC 20-20-8-8.**

SECTION 3. IC 20-18-2-6.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 6.5. "Habitual truant" has the meaning set forth in IC 20-20-8-8.**

SECTION 4. IC 20-19-3-12.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 12.2. (a) The department shall make reduction of absenteeism in schools a policy priority and direct school corporations and schools to:**

- (1) identify contributing factors of absenteeism; and**
- (2) develop chronic absence reduction plans 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.

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

- (1) Student enrollment.
- (2) Graduation rate (as defined in IC 20-26-13-6).
- (3) Attendance rate.
- (4) The following test scores, including the number and percentage of students meeting academic standards:
 - (A) ISTEP program test scores.
 - (B) Scores for assessments under IC 20-32-5-21, if appropriate.
 - (C) For a freeway school, scores on a locally adopted assessment program, if appropriate.
- (5) Average class size.
- (6) The number and percentage of students in the following groups or programs:
 - (A) Alternative education, if offered.

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- (B) Career and technical education.
 - (C) Special education.
 - (D) High ability.
 - (E) Remediation.
 - (F) Limited English language proficiency.
 - (G) Students receiving free or reduced price lunch under the national school lunch program.
 - (H) School flex program, if offered.
- (7) Advanced placement, including the following:
- (A) For advanced placement tests, the percentage of students:
 - (i) scoring three (3), four (4), and five (5); and
 - (ii) taking the test.
 - (B) For the Scholastic Aptitude Test:
 - (i) test scores for all students taking the test;
 - (ii) test scores for students completing the academic honors diploma program; and
 - (iii) the percentage of students taking the test.
- (8) Course completion, including the number and percentage of students completing the following programs:
- (A) Academic honors diploma.
 - (B) Core 40 curriculum.
 - (C) Career and technical programs.
- (9) The percentage of grade 8 students enrolled in algebra I.
- (10) The percentage of graduates who pursue higher education.
- (11) School safety, including:
- (A) the number of students receiving suspension or expulsion for the possession of alcohol, drugs, or weapons; and
 - (B) the number of incidents reported under IC 20-33-9.
- (12) Financial information and various school cost factors, including the following:
- (A) Expenditures per pupil.
 - (B) Average teacher salary.
 - (C) Remediation funding.
- (13) Technology accessibility and use of technology in instruction.
- (14) Interdistrict and intradistrict student mobility rates, if that information is available.
- (15) The number and percentage of each of the following within the school corporation:
- (A) Teachers who are certificated employees (as defined in IC 20-29-2-4).
 - (B) Teachers who teach the subject area for which the teacher

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is certified and holds a license.

(C) Teachers with national board certification.

(16) The percentage of grade 3 students reading at grade 3 level.

(17) The number of students expelled, including the number participating in other recognized education programs during their expulsion.

(18) Chronic absenteeism, which includes the number of students who have been absent ~~more than ten (10) days~~ from school ~~within a for ten percent (10%) or more of a school year for any reason. without being excused.~~

(19) Habitual truancy, which includes the number of students who have been absent ten (10) days or more from school within a school year without being excused or without being absent under a parental request that has been filed with the school.

~~(19)~~ (20) The number of students who have dropped out of school, including the reasons for dropping out.

~~(20)~~ (21) The number of student work permits revoked.

~~(21)~~ (22) The number of student driver's licenses revoked.

~~(22)~~ (23) The number of students who have not advanced to grade 10 due to a lack of completed credits.

~~(23)~~ (24) The number of students suspended for any reason.

~~(24)~~ (25) The number of students receiving an international baccalaureate diploma.

~~(25)~~ (26) Other indicators of performance as recommended by the education roundtable under IC 20-19-4.

SECTION 6. IC 20-20-8-8 (*DELAYED VERSION*), AS AMENDED BY HEA 1423-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. The report must include the following information:

(1) Student enrollment.

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

(3) Attendance rate.

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

(A) ISTEP program test scores.

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

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

(5) Average class size.

(6) The number and percentage of students in the following

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groups or programs:

- (A) Alternative education, if offered.
 - (B) Career and technical education.
 - (C) Special education.
 - (D) High ability.
 - (E) Remediation.
 - (F) Limited English language proficiency.
 - (G) Students receiving free or reduced price lunch under the national school lunch program.
 - (H) School flex program, if offered.
- (7) Advanced placement, including the following:
- (A) For advanced placement tests, the percentage of students:
 - (i) scoring three (3), four (4), and five (5); and
 - (ii) taking the test.
 - (B) For the Scholastic Aptitude Test:
 - (i) test scores for all students taking the test;
 - (ii) test scores for students completing the academic honors diploma program; and
 - (iii) the percentage of students taking the test.
- (8) Course completion, including the number and percentage of students completing the following programs:
- (A) Academic honors diploma.
 - (B) Core 40 curriculum.
 - (C) Career and technical programs.
- (9) The percentage of grade 8 students enrolled in algebra I.
- (10) The percentage of graduates who pursue higher education.
- (11) School safety, including:
- (A) the number of students receiving suspension or expulsion for the possession of alcohol, drugs, or weapons;
 - (B) the number of incidents reported under IC 20-33-9; and
 - (C) the number of bullying incidents reported under IC 20-34-6 by category.
- (12) Financial information and various school cost factors, including the following:
- (A) Expenditures per pupil.
 - (B) Average teacher salary.
 - (C) Remediation funding.
- (13) Technology accessibility and use of technology in instruction.
- (14) Interdistrict and intradistrict student mobility rates, if that information is available.
- (15) The number and percentage of each of the following within

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the school corporation:

- (A) Teachers who are certificated employees (as defined in IC 20-29-2-4).
- (B) Teachers who teach the subject area for which the teacher is certified and holds a license.
- (C) Teachers with national board certification.
- (16) The percentage of grade 3 students reading at grade 3 level.
- (17) The number of students expelled, including the number participating in other recognized education programs during their expulsion.
- (18) Chronic absenteeism, which includes the number of students who have been absent ~~more than ten (10) days~~ from school ~~within a for ten percent (10%) or more of a school year for any reason. without being excused.~~
- (19) Habitual truancy, which includes the number of students who have been absent ten (10) days or more from school within a school year without being excused or without being absent under a parental request that has been filed with the school.**
- ~~(19)~~ **(20)** The number of students who have dropped out of school, including the reasons for dropping out.
- ~~(20)~~ **(21)** The number of student work permits revoked.
- ~~(21)~~ **(22)** The number of student driver's licenses revoked.
- ~~(22)~~ **(23)** The number of students who have not advanced to grade 10 due to a lack of completed credits.
- ~~(23)~~ **(24)** The number of students suspended for any reason.
- ~~(24)~~ **(25)** The number of students receiving an international baccalaureate diploma.
- ~~(25)~~ **(26)** Other indicators of performance as recommended by the education roundtable under IC 20-19-4.

SECTION 7. IC 20-30-2-2.2, AS ADDED BY P.L.242-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2.2. (a) As used in this section, "eligible student" means a student in grade 11 or 12 who has:

- (1) failed the ISTEP+ graduation exam at least twice;
- (2) been determined to be chronically absent, by missing ~~more than ten (10) unexcused days of school in one (1) ten percent (10%) or more of a school year for any reason;~~
- (3) been determined to be a habitual truant, as identified under IC 20-33-2-11;
- (4) been significantly behind in credits for graduation, as identified by an individual's school principal;



(5) previously undergone at least a second suspension from school for the school year under IC 20-33-8-14 or IC 20-33-8-15;

(6) previously undergone an expulsion from school under IC 20-33-8-14, IC 20-33-8-15, or IC 20-33-8-16; or

(7) been determined by the individual's principal and the individual's parent or guardian to benefit by participating in the school flex program.

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

(1) attend school for at least three (3) hours of instructional time per school day;

(2) pursue a timely graduation;

(3) provide evidence of college or technical career education enrollment and attendance or proof of employment and labor that is aligned with the student's career academic sequence under rules established by the Indiana bureau of child labor;

(4) not be suspended or expelled while participating in a school flex program;

(5) pursue course and credit requirements for a general diploma; and

(6) maintain a ninety-five percent (95%) attendance rate.

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

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

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

(1) state objectives for a three (3) year period; and

(2) be annually reviewed and revised to accomplish the achievement objectives of the school.

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

(c) This subsection does not apply to a school that is designated in the top category or designation of school improvement under IC 20-31-8-4 in the year immediately preceding the year in which the school's initial plan is implemented. These achievement objectives must be consistent with academic standards and include improvement in at least the following areas:

(1) Attendance rate, **as set forth in the plan developed under**

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IC 20-19-3-12.2.

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

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

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

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

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

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

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

- (1) A list of the statutes and rules that the school wishes to have suspended from operation for the school.
- (2) A description of the curriculum and information concerning the location of a copy of the curriculum that is available for inspection by members of the public.
- (3) A description and name of the assessments that will be used in the school in addition to ISTEP program assessments.
- (4) A plan to be submitted to the governing body and made available to all interested members of the public in an easily understood format.
- (5) A provision to maximize parental participation in the school, which may include providing parents with:
 - (A) access to learning aids to assist students with school work at home;
 - (B) information on home study techniques; and
 - (C) access to school resources.
- (6) For a secondary school, a provision to do the following:
 - (A) Offer courses that allow all students to become eligible to receive an academic honors diploma.

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

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

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

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

SECTION 10. An emergency is declared for this act.

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President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

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