

## Final Rule

LSA Document #18-421(F)

## DIGEST

Adds [511 IAC 6.2-11](#), concerning dropout recovery, to account for recently enacted legislation. Effective 30 days after filing with the Publisher.

[511 IAC 6.2-11](#)

SECTION 1. [511 IAC 6.2-11](#) IS ADDED TO READ AS FOLLOWS:

**Rule 11. Dropout Recovery****[511 IAC 6.2-11-1](#) Definitions**

**Authority:** [IC 20-19-2-8](#); [IC 20-31-8-4.6](#); [IC 20-31-10-1](#)

**Affected:** [IC 20-18-2-15](#); [IC 20-18-2-16](#); [IC 20-19-2-10](#); [IC 20-20-8-8](#); [IC 20-24-1-4](#); [IC 20-24-7-13](#); [IC 20-31-8](#); [IC 20-32-4](#); [IC 20-43-1-7.5](#); [IC 20-43-1-11.5](#); [IC 20-51-1-4.7](#)

**Sec. 1.** The following definitions apply throughout this rule:

(1) "At-risk" refers to, but is not limited to, an individual who:

- (A) is at-risk of academic failure;
- (B) has a history of a drug or alcohol problem;
- (C) is pregnant or is a parent;
- (D) has previously come into contact with the juvenile justice system;
- (E) is at least one (1) year behind the expected grade level for the age of the individual;
- (F) has limited English proficiency;
- (G) is a gang member;
- (H) has dropped out of school (as defined in [511 IAC 6.1-1-2\(h\)](#)); or
- (I) satisfies the definition of chronic absenteeism as defined in [IC 20-20-8-8](#).

(2) "Attend" means the physical presence of a student at an eligible school, which has entered into a contract with a school corporation or charter school under [IC 20-31-8-4.6\(a\)](#), with the expectation of receiving dropout recovery education services from the eligible school. Alternatively, if an eligible school enters into a contract with a virtual charter school, as defined by [IC 20-24-7-13](#), a student is considered to "attend" the eligible school if the student satisfies all statutory and regulatory requirements that govern student attendance for virtual charter schools.

(3) "Charter school" has the meaning set forth in [IC 20-24-1-4](#).

(4) "Contract" refers to a written agreement between a school corporation or charter school and an eligible school to provide dropout recovery education services to at-risk students; such contracts must contain, at a minimum, the following:

- (A) A list of services that the eligible school will provide students that attend the dropout recovery educational services while maintaining enrollment at the school corporation or charter school.
- (B) The school corporation or individual school, or both, responsibilities.
- (C) The eligible school's responsibilities.
- (D) Joint school corporation, individual school, and eligible school responsibilities.
- (E) The registration rate, fee, or payment process, or all, that an eligible school will charge a school corporation or charter school to provide dropout recovery education services to at-risk students.
- (F) Any other provisions that a school corporation, charter school, or an eligible school believes are necessary and proper.

(5) "Dropout recovery educational services" refers to any services provided by an eligible school, as defined in [IC 20-51-1-4.7](#), which are directly related to ensuring a student satisfies the graduation requirements contained in [IC 20-32-4](#).

(6) "Eligible school" has the meaning set forth in [IC 20-51-1-4.7](#).

(7) "Enrolled" refers to a student who remains registered with a school corporation or charter school while attending a dropout recovery education service program at an eligible school offered by way of a contract between a school corporation or charter school and an eligible school under [IC 20-31-8-4.6\(a\)](#).

(8) "Public school" has the meaning set forth in [IC 20-18-2-15](#).

(9) "School corporation" has the meaning set forth in [IC 20-18-2-16](#).

(Indiana State Board of Education; [511 IAC 6.2-11-1](#); filed Apr 12, 2019, 3:11 p.m.: [20190508-IR-511180421FRA](#))

#### [511 IAC 6.2-11-2](#) Certain at-risk students not included in the calculation of school performance

Authority: [IC 20-19-2-8](#); [IC 20-31-8-4.6](#); [IC 20-31-10-1](#)

Affected: [IC 20-19-2-10](#); [IC 20-31-8](#)

Sec. 2. For purposes of calculating the state category or designation of school performance under [IC 20-31-8](#), a public school or charter school in which an at-risk student is enrolled shall exclude the accountability indicators of the at-risk student if:

- (1) a school corporation or charter school, in which the at-risk student is enrolled, has entered into a contract with an eligible school to provide dropout recovery educational services to at-risk students; and
- (2) the at-risk student attends an eligible school and receives dropout recovery educational services from that school for more than one-half (1/2) of the school year.

(Indiana State Board of Education; [511 IAC 6.2-11-2](#); filed Apr 12, 2019, 3:11 p.m.: [20190508-IR-511180421FRA](#))

#### [511 IAC 6.2-11-3](#) Graduation rate calculation

Authority: [IC 20-19-2-8](#); [IC 20-31-8-4.6](#); [IC 20-31-10-1](#)

Affected: [IC 20-19-2-10](#); [IC 20-26-13](#); [IC 20-31-8](#)

Sec. 3. For purposes of calculating a school's category or designation of school performance under [IC 20-31-8](#), a public school or charter school in which an at-risk student is enrolled shall exclude at-risk students from the school's cohort, as defined in [IC 20-26-13-2](#), and graduation rate, calculated pursuant to [IC 20-26-13](#), if:

- (1) a school corporation or charter school, in which the at-risk student is enrolled, has entered into a contract with an eligible school to provide dropout recovery educational services to at-risk students; and
- (2) the at-risk student attends an eligible school and receives dropout recovery educational services from that school for more than one-half (1/2) of the school year.

(Indiana State Board of Education; [511 IAC 6.2-11-3](#); filed Apr 12, 2019, 3:11 p.m.: [20190508-IR-511180421FRA](#))

#### [511 IAC 6.2-11-4](#) Reporting of at-risk student data

Authority: [IC 20-19-2-8](#); [IC 20-31-8-4.6](#); [IC 20-31-10-1](#)

Affected: [IC 20-19-2-10](#)

Sec. 4. An eligible school providing dropout recovery educational services to at-risk students shall report at-risk student performance indicators, including graduation rate data for at-risk students, to the department of education and the school corporation or charter school in which the students are enrolled. The student performance indicators and graduation rate data shall be included in the data that the department of education issues in the state and local educational agency report cards pursuant to 20 U.S.C. 6311(h).

(Indiana State Board of Education; [511 IAC 6.2-11-4](#); filed Apr 12, 2019, 3:11 p.m.: [20190508-IR-511180421FRA](#))

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