



February 28, 2020

ENGROSSED HOUSE BILL No. 1305

DIGEST OF HB 1305 (Updated February 27, 2020 6:39 pm - DI 135)

Citations Affected: IC 20-26.

Synopsis: Graduation rate calculation. Provides that a student who withdraws from school after completing grade 10 may not be included in a school's graduation rate if the student's parent submits to the school the following statements while the student is enrolled in grade 8: (1) A statement from the parent affirming that the parent has a sincerely held religious belief against the taking of a photograph and that the student will be withdrawing from school after completing grade 10 in order to complete a career pathway certification or due to the parent's deeply held religious belief. (2) A statement from a member of the clergy of the religious organization of which the parent is a member regarding the prohibition of photography of members of the religious organization. Requires at least one parent of the student to provide proof that the parent has been issued a photo exempt driver's license or identification card.

Effective: July 1, 2020.

Stutzman, Lindauer, Klinker

(SENATE SPONSORS — DORIOT, ROGERS, KRUSE, RAATZ)

January 14, 2020, read first time and referred to Committee on Education.

January 23, 2020, amended, reported — Do Pass.

January 27, 2020, read second time, ordered engrossed.

January 28, 2020, engrossed. Read third time, passed. Yeas 97, nays 1.

SENATE ACTION

February 11, 2020, read first time and referred to Committee on Education and Career Development.

February 27, 2020, reported favorably — Do Pass.

EH 1305—LS 6702/DI 116



February 28, 2020

Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1305

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.159-2019,
2 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2020]: Sec. 10. (a) 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
16 (ii) have the same expected graduation year as the cohort.
17 STEP THREE: Subtract from the sum determined under STEP

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1 TWO the number of students who have left the cohort for any of
 2 the following reasons:

3 (A) Transfer to another public or nonpublic school.

4 (B) Except as provided in IC 20-33-2-28.6 and subsection (b),
 5 removal by the student's parents under IC 20-33-2-28 to
 6 provide instruction equivalent to that given in the public
 7 schools.

8 (C) Withdrawal because of a long term medical condition or
 9 death.

10 (D) Detention by a law enforcement agency or the department
 11 of correction.

12 (E) Placement by a court order or the department of child
 13 services.

14 (F) Enrollment in a virtual school.

15 (G) Leaving school, if the student attended school in Indiana
 16 for less than one (1) school year and the location of the student
 17 cannot be determined.

18 (H) Leaving school, if the location of the student cannot be
 19 determined and the student has been reported to the Indiana
 20 clearinghouse for information on missing children and missing
 21 endangered adults.

22 (I) Withdrawing from school before graduation, if the student
 23 is a high ability student (as defined in IC 20-36-1-3) who is a
 24 full-time student at an accredited institution of higher
 25 education during the semester in which the cohort graduates.

26 **(J) Withdrawing from school before graduation pursuant**
 27 **to providing notice of withdrawal under section 17 of this**
 28 **chapter.**

29 STEP FOUR: Determine the total number of students determined
 30 under STEP TWO who have graduated during the current
 31 reporting year or a previous reporting year.

32 STEP FIVE: Divide:

33 (A) the number determined under STEP FOUR; by

34 (B) the remainder determined under STEP THREE.

35 (b) This subsection applies to a high school in which:

36 (1) for a:

37 (A) cohort of one hundred (100) students or less, at least ten
 38 percent (10%) of the students left a particular cohort for a
 39 reason described in subsection (a) STEP THREE clause (B);
 40 or

41 (B) cohort of more than one hundred (100) students, at least
 42 five percent (5%) of the students left a particular cohort for a



1 reason described in subsection (a) STEP THREE clause (B);
 2 and
 3 (2) the students described in subdivision (1)(A) or (1)(B) are not
 4 on track to graduate with their cohort.

5 A high school must submit a request to the state board in a manner
 6 prescribed by the state board requesting that the students described in
 7 this subsection be included in the subsection (a) STEP THREE
 8 calculation. The state board shall review the request and may grant or
 9 deny the request. The state board shall deny the request unless the high
 10 school demonstrates good cause to justify that the students described
 11 in this subsection should be included in the subsection (a) STEP
 12 THREE calculation. If the state board denies the request the high
 13 school may not subtract the students described in this subsection under
 14 subsection (a) STEP THREE.

15 SECTION 2. IC 20-26-13-11, AS AMENDED BY P.L.159-2019,
 16 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2020]: Sec. 11. (a) A student who has left school is not
 18 included in clauses (A) through ~~(I)~~ (J) of STEP THREE of the formula
 19 established in section 10(a) of this chapter unless the school can
 20 provide written proof that the student has left the school for one (1) of
 21 the reasons set forth in clauses (A) through ~~(I)~~ (J) of STEP THREE of
 22 section 10(a) of this chapter. If the location of the student is unknown
 23 to the school, the principal of the school shall send a certified letter to
 24 the last known address of the student, inquiring about the student's
 25 whereabouts and status. If the student is not located after the certified
 26 letter is delivered or if no response is received, the principal may
 27 submit the student's information, including last known address, parent
 28 or guardian name, student testing number, and other pertinent data to
 29 the state attendance officer. The state attendance officer, using all
 30 available state data and any other means available, shall attempt to
 31 locate the student and report the student's location and school
 32 enrollment status to the principal so that the principal can appropriately
 33 send student records to the new school or otherwise document the
 34 student's status.

35 (b) The department shall conduct a review of each school's
 36 graduation cohort on a schedule determined by the department.

37 (c) If a school cannot provide written proof that a student should be
 38 included in clauses (A) through ~~(I)~~ (J) of STEP THREE of section
 39 10(a) of this chapter, the student is considered a dropout.

40 SECTION 3. IC 20-26-13-13, AS AMENDED BY P.L.159-2019,
 41 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2020]: Sec. 13. For any school that cannot provide written



1 proof supporting the school's determination to include a student under
 2 any one (1) of clauses (A) through ~~(I)~~ (J) of STEP THREE of section
 3 10(a) of this chapter, the department shall require the publication of the
 4 corrected graduation rate in the next school year's report required under
 5 IC 20-20-8-3.

6 SECTION 4. IC 20-26-13-17 IS ADDED TO THE INDIANA
 7 CODE AS A NEW SECTION TO READ AS FOLLOWS
 8 [EFFECTIVE JULY 1, 2020]: **Sec. 17. A student must be subtracted**
 9 **under clause (J) of STEP THREE of section 10(a) of this chapter**
 10 **if all of the following occur:**

11 (1) **The student's parent submits to the school the following**
 12 **statements, on forms prescribed by the department, while the**
 13 **student is enrolled in grade 8:**

14 (A) **A statement from the parent:**

15 (i) **affirming that the parent has a sincerely held religious**
 16 **belief against the taking of a photograph; and**

17 (ii) **stating that the student will be withdrawing from**
 18 **school after completing grade 10 in order to allow the**
 19 **student to complete a career pathway certification or**
 20 **due to the parent's deeply held religious belief.**

21 (B) **A statement from a member of the clergy of the**
 22 **religious organization of which the parent is a member**
 23 **regarding the prohibition of photography of members of**
 24 **the religious organization.**

25 (2) **The parent provides proof to the school that at least one**

26 **(1) parent has been issued a photo exempt driver's license or**
 27 **a photo exempt identification card issued under IC 9-24-16.5.**

28 **(3) The student withdraws from school after completing grade**
 29 **10.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1305, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 4, delete lines 30 through 42.

Delete page 5.

and when so amended that said bill do pass.

(Reference is to HB 1305 as introduced.)

BEHNING

Committee Vote: yeas 13, nays 0.

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred House Bill No. 1305, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to HB 1305 as printed January 24, 2020.)

RAATZ, Chairperson

Committee Vote: Yeas 9, Nays 0

