

First Regular Session of the 120th General Assembly (2017)

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 2016 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1384

AN ACT to amend the Indiana Code concerning education.

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

SECTION 1. IC 20-19-2-10, AS AMENDED BY P.L.65-2012, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 10. (a) It is the policy of the state that the state:

- (1) recognizes that nonpublic schools provide education to children in Indiana;
- (2) has an interest in ensuring that all Indiana children are well educated in both curricular and extracurricular programs; and
- (3) should facilitate the transferability of comparable academic credit between appropriate nonpublic schools and state supported educational institutions.

(b) The state board shall implement a system of recognition of the educational programs of nonpublic schools to fulfill the policy set forth in subsection (a).

(c) The system of recognition described under subsection (b) must:

- (1) be voluntary in nature with respect to the nonpublic school;
- (2) recognize the characteristics that distinguish nonpublic schools from public schools; and
- (3) be a recognition system that is separate from the accreditation standards required of public schools and available to nonpublic schools under section ~~8(a)(5)~~ **8(a)(4)** of this chapter.

(d) This section does not prohibit a nonpublic school from seeking accreditation under section ~~8(a)(5)~~ **8(a)(4)** of this chapter.

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~~(e)~~ **The state board shall adopt rules under IC 4-22-2 to implement this section.**

~~(f)~~ **(e)** The department shall waive accreditation standards for an accredited nonpublic alternative school that enters into a contract with a school corporation to provide alternative education services for students who have:

- (1) dropped out of high school;
- (2) been expelled; or
- (3) been sent to the nonpublic alternative school due to the students' lack of success in the public school environment;

to accommodate the nonpublic alternative school's program and student population. A nonpublic alternative school to which this subsection applies is not subject to being placed in a category or designation under IC 20-31-8-4. However, the nonpublic alternative school must comply with all state reporting requirements and submit a school improvement growth model on the anniversary date of the nonpublic alternative school's original accreditation.

(f) The state board may accredit a nonpublic school under this section at the time the nonpublic school begins operation in Indiana.

(g) The state board shall adopt rules under IC 4-22-2 to implement this section.

SECTION 2. IC 20-20-19-1, AS ADDED BY P.L.1-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 1. (a) An individual who obtains a position as a school social worker for a school corporation must

- ~~(1)~~ hold a master's degree in social work. ~~or~~
- ~~(2)~~ agree as a condition of employment to obtain a master's degree in social work not more than five ~~(5)~~ years after the individual begins employment as a school social worker.

(b) Subsection (a) does not apply to an individual who obtained a position as a school social worker for a school corporation before July 1, 2001.

SECTION 3. IC 20-20-41-1, AS ADDED BY P.L.226-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 1. The department, with the approval of the state board, shall establish and maintain a dual language immersion pilot program to provide grants, **in an amount not to exceed fifty thousand dollars (\$50,000)**, to school corporations and charter schools that establish dual language immersion programs in:

- (1) Chinese;
- (2) Spanish;



(3) French; or

(4) any other language approved by the department.

SECTION 4. IC 20-26-11-31, AS ADDED BY P.L.65-2012, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 31. (a) This section applies to a school corporation that enrolls a student who has legal settlement in another school corporation for the purpose of the student receiving services from an accredited nonpublic alternative high school described in ~~IC 20-19-2-10(f)~~. **IC 20-19-2-10(e)**.

(b) A school corporation is entitled to receive state tuition support for a student described in subsection (a) in an amount equal to:

(1) the amount received by the school corporation in which the student is enrolled for ADM purposes; or

(2) the amount received by the school corporation in which the student has legal settlement;

whichever is greater.

SECTION 5. IC 20-26-13-11, AS AMENDED BY P.L.229-2007, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 11. (a) A student who has left school is not included in clauses (A) through (I) of STEP THREE of the formula established in section 10 of this chapter unless the school corporation can provide written proof that the student has left the school for one (1) of the reasons set forth in clauses (A) through (I) of STEP THREE of section 10 of this chapter. If the location of the student is unknown to the school, the principal of the school shall send a certified letter to the last known address of the student, inquiring about the student's whereabouts and status. If the student is not located after the certified letter is delivered or if no response is received, the principal may submit the student's information, including last known address, parent or guardian name, student testing number, and other pertinent data to the state attendance officer. The state attendance officer, using all available state data and any other means available, shall attempt to locate the student and report the student's location and school enrollment status to the principal so that the principal can appropriately send student records to the new school or otherwise document the student's status.

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

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

SECTION 6. IC 20-26-13-11.3 IS ADDED TO THE INDIANA



CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 11.3. (a) A school may not classify a student as, or apply an exit code or description to a student that indicates that the student is, leaving a cohort for the reason described in section 10 STEP THREE clause (B) of this chapter unless the school has substantial evidence that the parent or guardian of the student initiated the student leaving the cohort.**

(b) Upon request by the department, the school shall provide a copy of evidence described in subsection (a) for any student the school classifies, or to whom the school applies an exit code or description, as described in subsection (a).

SECTION 7. IC 20-26-13-12, AS AMENDED BY P.L.45-2008, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 12. For each high school, the department shall calculate an estimated graduation rate that is determined by the total number of graduates for the reporting year divided by the total number of students enrolled in grade 9 at the school three (3) years before the reporting year. For any school where the difference between the estimated graduation rate and the number determined under STEP FIVE of section 10 of this chapter is more than five percent (5%); the department shall request the data used in determining that the missing students are classified under one (1) or more of clauses (A) through (F) of STEP THREE of section 10 of this chapter.

SECTION 8. IC 20-26-15-13, AS ADDED BY P.L.1-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 13. (a) A nonpublic school may enter into a contract with the state board to become a freeway school.

(b) The state board and the governing body of a nonpublic school must enter into a contract that complies with this chapter to designate the nonpublic school as a freeway school if the nonpublic school:

- (1) petitions the state board for designation as a freeway school; and
- (2) agrees to comply with this chapter.

(c) A nonpublic school becomes a freeway school when the contract is signed by:

- (1) the state superintendent, acting for the state board after a majority of the members of the board have voted in a public session to enter into the contract; and
- (2) the president of the governing body of the nonpublic school, acting for the governing body of the nonpublic school after a majority of the members of the governing body have voted to enter into the contract.



(d) The state board shall accredit a nonpublic school that:

- (1) becomes a freeway school under this chapter; and
- (2) complies with the terms of the contract.

(e) The state board may accredit a nonpublic school under this section at the time the nonpublic school enters into the contract under subsection (a).

SECTION 9. IC 20-30-5-2, AS AMENDED BY P.L.286-2013, SECTION 93, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 2. (a) Each public and nonpublic high school shall provide a required course that is:

- (1) not less than one (1) year of school work; and
- (2) in the:

- (A) historical;
- (B) political;
- (C) civic;
- (D) sociological;
- (E) economical; and
- (F) philosophical;

aspects of the constitutions of Indiana and the United States.

(b) The state board shall:

- (1) prescribe the course described in this section and the course's appropriate outlines; and
- (2) adopt the necessary curricular materials for uniform instruction.

(c) **Except as provided in IC 20-32-4-13**, a high school student may not receive a diploma unless the student has successfully completed the interdisciplinary course described in this section.

SECTION 10. IC 20-30-5-4, AS ADDED BY P.L.1-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 4. (a) Each public school and nonpublic school shall provide within the two (2) weeks preceding a general election for all students in grades 6 through 12 five (5) full recitation periods of class discussion concerning:

- (1) the system of government in Indiana and in the United States;
- (2) methods of voting;
- (3) party structures;
- (4) election laws; and
- (5) the responsibilities of citizen participation in government and in elections.

(b) **Except as provided in IC 20-32-4-13**, a student may not receive a high school diploma unless the student has completed a two (2) semester course in American history.



(c) If a public school superintendent violates this section, the state superintendent shall receive and record reports of the violations. The general assembly may examine these reports.

SECTION 11. IC 20-31-8-3, AS AMENDED BY P.L.239-2015, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 3. (a) The state board shall establish a number of categories, using an "A" through "F" grading scale, to designate performance based on the individual student academic performance and growth to proficiency in each school.

(b) The state board, in consultation with the department, shall define "low population schools" and shall determine the criteria for placing low population schools in categories established under subsection (a). In setting the definition and criteria for low population schools, the state board shall not penalize schools based on population. An eligible school (as defined in IC 20-51-1-4.7) may not be penalized under IC 20-51-4-9 for the sole reason that the eligible school is considered a low population school under this subsection. The state board's definition and criteria may include the placement of a school that fits the state board's definition in a "null" or "no letter grade" category.

(c) In developing metrics for the categories established under subsection (a), the state board, in consultation with the department, to the extent not inconsistent with federal law, shall consider the severity of tested students' disabilities when using ISTEP scores as a means of assessing school performance.

(d) In developing metrics for the categories established under subsection (a), the state board shall consider the mobility of high school students who are credit deficient and whether any high school should be rewarded for enrolling credit deficient students or penalized for transferring out credit deficient students.

SECTION 12. IC 20-31-8-5.2, AS ADDED BY P.L.47-2014, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 5.2. (a) The state board shall establish an alternative accountability system to assess the performance of an adult high school. The system shall:

- (1) establish rigorous academic outcomes criteria;
- (2) measure college and career readiness outcomes for each graduate;
- (3) measure student accomplishments and success after graduation for a period of time as determined by the state board; and
- (4) require that a substantial majority of graduates who receive waiver diplomas must also be on track to receive or have already



received an industry certification that aligns with career pathways as recommended by the Indiana career council established by IC 22-4.5-9-3.

(b) An adult high school is subject to the alternative accountability system developed by the state board under subsection (a).

(c) All students, regardless of age, enrolled in an adult high school (as defined in IC 20-24-1-2.3) must be included and calculated under the same requirements, metrics, and goals established under the system developed by the board under subsection (a).

SECTION 13. IC 20-31-8-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 8. (a) Before July 1, 2018, the state board shall establish a definition of a high mobility school for schools with a high concentration of mobile students.**

(b) For each school year beginning after June 30, 2018, the department shall make a report regarding the performance of high mobility schools. The report shall be posted on the department's Internet web site each year on a date determined by the department.

SECTION 14. IC 20-32-4-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 13. (a) The governing body of a school corporation shall issue a diploma for a deceased student at the request of a parent (as defined in IC 20-18-2-13) of the student if the student:**

- (1) died while enrolled in grade 12 of a school in the school corporation; and**
- (2) was academically eligible or on track to meet the requirements for the diploma at the time of death.**

(b) A student described in subsection (a) may not be considered a graduate for purposes of IC 20-26-13.

SECTION 15. IC 20-33-5-11, AS AMENDED BY P.L.286-2013, SECTION 115, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 11. (a) A school corporation may not:**

- (1) withhold curricular materials and supplies;**
- (2) require any special services from a child; or**
- (3) deny the child any benefit or privilege;**

because the parent fails to pay required fees.

(b) Notwithstanding subsection (a), a school corporation may take any action authorized by law to collect unpaid fees from parents who



are determined to be ineligible for assistance, including recovery of reasonable attorney's fees and court costs in addition to a judgment award against those parents.

(c) A school corporation may designate a full-time employee of the school corporation to represent the school corporation in a small claims court action under subsection (b) if the claim does not exceed one thousand five hundred dollars (\$1,500). The employee designated under this subsection is not required to be an attorney.

SECTION 16. IC 20-36-2-1, AS AMENDED BY P.L.84-2007, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 1. (a) The department shall establish a state resources program using designated state resources that:

- (1) supports school corporations in the development of local programs for high ability students;
- (2) enables educational opportunities that encourage high ability students to reach the highest possible level at every stage of the students' development; and
- (3) provides state integrated services that include the following:
 - (A) Information and materials resource centers.
 - (B) Professional development plan and programs.
 - (C) Research and development services.
 - (D) Technical assistance that includes the following:
 - (i) Student assessment.
 - (ii) Program assessment.
 - (iii) Program development and implementation.
 - (E) Support for educators pursuing professional development leading to endorsement or licensure in high ability education.

(b) In addition to the program established under subsection (a), the department shall use appropriations to provide grants to school corporations for **expenditures beyond those for regular educational programs and specific to** programs for high ability students under section 2 of this chapter in an amount determined by the department that is based upon a set minimum amount increased by an additional amount for each student in the program. A school corporation's program must align with the strategic and continuous school improvement and achievement plans under IC 20-31-5-4 for the schools within the school corporation. A school that receives a grant under this subsection shall submit an annual report to the department that includes the following:

- (1) The programs for which the grant is used.
- (2) The results of the programs for which the grant is used, including student general assessment results, program



effectiveness, or student achievement.

SECTION 17. IC 20-51-4-2.5, AS ADDED BY P.L.211-2013, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 2.5. Notwithstanding IC 20-51-1-4.3(3)(B), IC 20-51-1-4.3(3)(C), or IC 20-51-1-4.3(3)(D)(ii), an individual who initially meets the income requirements under IC 20-51-1-4.3(3)(B), IC 20-51-1-4.3(3)(C), or IC 20-51-1-4.3(3)(D)(ii) and is a member of a household whose income subsequently increases is considered to meet the income requirements for as long as the individual is enrolled in a ~~participating~~ **an eligible** school and is a member of a household with an annual income of not more than two hundred percent (200%) of the amount required for the individual to qualify for the federal free or reduced price lunch program.

SECTION 18. IC 20-51-4-9, AS ADDED BY P.L.92-2011, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) **Except as provided in subsection (b)**, the department shall enforce the following consequences for an eligible school that is nonpublic:

(1) If the school is placed in either of the lowest two (2) categories or designations under IC 20-31-8-3 for two (2) consecutive years, the department shall suspend choice scholarship payments for one (1) year for new students who would otherwise use a choice scholarship to attend the school.

(2) If the school is placed in either of the lowest two (2) categories or designations under IC 20-31-8-3 for three (3) consecutive years, the department shall suspend choice scholarship payments for new students who would otherwise use a choice scholarship to attend the school until the school is placed in the middle category or higher category or designation, for two (2) consecutive years.

(3) If the school is placed in the lowest category or designation under IC 20-31-8-3 for three (3) consecutive years, the department shall suspend choice scholarship payments for new students who would otherwise use a choice scholarship to attend the school until the school is placed in the middle category or higher category or designation, for three (3) consecutive years.

(4) Students who:

(A) are currently enrolled at a school described in subdivision (1), (2), or (3); and

(B) qualify for a choice scholarship for the upcoming school year;

may continue to receive a choice scholarship at the school.



(b) An eligible school may submit a request to the state board to waive or delay consequences imposed under subsection (a) for a particular school year. The state board may grant a request to an eligible school that requests a waiver or delay under this subsection if the eligible school demonstrates that a majority of students in the eligible school demonstrated academic improvement during the preceding school year. A waiver or delay granted to an eligible school under this subsection is for one (1) school year only. An eligible school must make an additional request under this subsection to the state board to receive further delay or waiver of consequences imposed under subsection (a).

~~(b)~~ (c) This section may not be construed to prevent a student enrolled in a school subject to this section from applying for a choice scholarship in the future at another participating school.

SECTION 19. IC 21-22-3-3, AS ADDED BY P.L.2-2007, SECTION 263, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 3. (a) The number of members of the state board of trustees must equal the number of regions established by the state board of trustees **plus one additional member**. Each member of the state board of trustees must have knowledge or experience in one (1) or more of the following areas:

- (1) Manufacturing.
- (2) Commerce.
- (3) Labor.
- (4) Agriculture.
- (5) State and regional economic development needs.
- (6) Indiana's educational delivery system.

One (1) member of the state board of trustees must reside in each region established by the state board of trustees. **One (1) member must serve as an at-large member**. Appointments shall be for three (3) year terms, on a staggered basis.

(b) An individual who holds an elective or appointed office of the state is not eligible to serve as a member of the state board of trustees. A member of a regional board may be appointed to the state board of trustees but must then resign from the regional board.

SECTION 20. **An emergency is declared for this act.**



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

