

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.

## SENATE ENROLLED ACT No. 398

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AN ACT to amend the Indiana Code concerning education.

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

SECTION 1. IC 20-26-13-10, AS AMENDED BY HEA 1305-2020, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 10. (a) Except as provided in section 11 of this chapter, the four (4) year graduation rate for a cohort in a high school is the percentage determined under STEP FIVE of the following formula:

STEP ONE: Determine the grade 9 enrollment at the beginning of the reporting year three (3) years before the reporting year for which the graduation rate is being determined.

STEP TWO: Add:

(A) the number determined under STEP ONE; and

(B) the number of students who:

(i) have enrolled in the high school after the date on which the number determined under STEP ONE was determined;

and

(ii) have the same expected graduation year as the cohort.

STEP THREE: Subtract from the sum determined under STEP TWO the number of students who have left the cohort for any of the following reasons:

(A) Transfer to another public or nonpublic school.

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



schools.

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

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

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

(F) Enrollment in a virtual school.

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

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

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

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

**(K) Participating in the high school equivalency pilot program under IC 20-30-8.5, unless the student fails to successfully complete the high school equivalency pilot program in the two (2) year period.**

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

STEP FIVE: Divide:

(A) the number determined under STEP FOUR; by

(B) the remainder determined under STEP THREE.

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

(1) for a:

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

(B) cohort of more than one hundred (100) students, at least five percent (5%) of the students left a particular cohort for a reason described in subsection (a) STEP THREE clause (B); and



(2) the students described in subdivision (1)(A) or (1)(B) are not on track to graduate with their cohort.

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

SECTION 2. IC 20-26-13-11, AS AMENDED BY HEA 1305-2020, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 11. (a) A student who has left school is not included in clauses (A) through ~~(J)~~ (K) of STEP THREE of the formula established in section 10(a) of this chapter unless the school can provide written proof that the student has left the school for one (1) of the reasons set forth in clauses (A) through ~~(J)~~ (K) of STEP THREE of section 10(a) 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.

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

SECTION 3. IC 20-26-13-13, AS AMENDED BY HEA 1305-2020, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 13. For any school that cannot provide written proof supporting the school's determination to include a student under any one (1) of clauses (A) through ~~(J)~~ (K) of STEP THREE of section



10(a) of this chapter, the department shall require the publication of the corrected graduation rate in the next school year's report required under IC 20-20-8-3.

SECTION 4. IC 20-26-13-16.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 16.5. (a) A student must be subtracted under clause (K) of STEP THREE of section 10(a) of this chapter when a student transitions from a traditional high school to the high school equivalency pilot program under IC 20-30-8.5.**

**(b) This section expires June 30, 2024.**

SECTION 5. IC 20-26-20 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]:

**Chapter 20. Patriotic Youth Membership Organizations**

**Sec. 1. As used in this chapter, "organization" means any youth organization listed in Title 36 of the United States Code that has an educational purpose and promotes patriotism and civic involvement.**

**Sec. 2. As used in this chapter, "public school" means the following:**

- (1) A school maintained by a school corporation.**
- (2) A charter school.**

**Sec. 3. An organization may request that a public school allow representatives of the organization to provide oral, written, or oral and written information regarding the organization, including information regarding how the organization furthers the educational interests and civic involvement of students consistent with good citizenship and moral instruction provided under IC 20-30-5-6 and IC 20-30-5-5, to students of the public school on school property.**

**Sec. 4. Upon request by an organization under section 3 of this chapter, a public school shall provide at least one (1) time each school year, a day and time, which may be during the school day as approved by the public school, for the representatives of the organization to provide information to students on school property as described in section 3 of this chapter.**

**Sec. 5. (a) A public school shall conduct an expanded criminal history check of a representative of an organization before the representative may provide information to students at a public school as described in section 4 of this chapter. The representative may be required to provide a written consent for the public school**



**to conduct the expanded criminal history check. The representative of the organization is responsible for all costs associated with obtaining the expanded criminal history check.**

**(b) A public school may refuse to allow a representative to provide information as described in section 4 of this chapter if the representative has been convicted of a felony listed in IC 20-28-5-8(c) or IC 20-28-5-8(d).**

SECTION 6. IC 20-30-5-7, AS AMENDED BY P.L.97-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 7. (a) Each school corporation shall include in the school corporation's curriculum the following studies:

- (1) Language arts, including:
  - (A) English;
  - (B) grammar;
  - (C) composition;
  - (D) speech; and
  - (E) second languages.
- (2) Mathematics.
- (3) Social studies and citizenship, including the:
  - (A) constitutions;
  - (B) governmental systems; and
  - (C) histories;

of Indiana and the United States, including an enhanced study of the Holocaust in each high school United States history course. As part of the United States government credit awarded for the general, Core 40, Core 40 with academic honors, and Core 40 with technical honors designation, each high school shall administer the naturalization examination provided by the United States Citizenship and Immigration Services.

- (4) Sciences, including, after June 30, 2021, computer science.
- (5) Fine arts, including music and art.
- (6) Health education, physical fitness, safety, and the effects of alcohol, tobacco, drugs, and other substances on the human body.
- (7) Additional studies selected by each governing body, subject to revision by the state board.

- (b) Each:
- (1) school corporation;
  - (2) charter school; and
  - (3) accredited nonpublic school;

shall offer the study of ethnic and racial groups as a one (1) semester elective course in its high school curriculum at least once every school year.



(c) The course described in subsection (b) may be offered by the school corporation, charter school, or accredited nonpublic school through a course access program administered by the department.

**(d) Not later than November 1, 2022, and not later than November 1 each year thereafter, the department shall report to the general assembly in an electronic format under IC 5-14-6 the following:**

**(1) The number of students who took the naturalization examination described in subsection (a)(3).**

**(2) The number of students who passed the naturalization examination described in subsection (a)(3) by a score of not less than sixty percent (60%) on their first attempt.**

**(3) The pass rate of the naturalization examination regarding the students who passed as described in subdivision (2).**

**(e) Not more than thirty (30) days after the department reports to the general assembly the information under subsection (d), the department shall post the pass rate under subsection (d)(3) on the department's Internet web site.**

SECTION 7. IC 20-30-8.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]:

**Chapter 8.5. High School Equivalency Pilot Program**

**Sec. 1. This section applies to the following school corporations:**

**(1) Richmond Community Schools.**

**(2) Metropolitan School District of Washington Township Schools.**

**(3) Metropolitan School District of Warren Township Schools.**

**Sec. 2. As used in this chapter, an "eligible student" means a student who has completed less than fifty percent (50%) of the required number of credits necessary to graduate upon entering the student's fourth year of high school or any subsequent semester.**

**Sec. 3. As used in this chapter, "program" refers to the high school equivalency pilot program established by section 6 of this chapter.**

**Sec. 4. As used in this chapter, "provider" is a current grantee receiving WIOA Title II money from the department of workforce development and that provides academic instruction and education services at the elementary or high school level that:**

**(1) include adult education, literacy activities, workplace activities, English language acquisition activities, integrated English literacy and civics education, workforce preparation**



- activities, or integrated education and training;
- (2) transition to postsecondary education and training; and
- (3) provide an ability to obtain employment.

**Sec. 5.** As used in this chapter, "WIOA" refers to the federal Workforce Innovation and Opportunity Act.

**Sec. 6. (a)** The high school equivalency pilot program is established. The purpose of the program is to allow an eligible student to enroll in a program to earn a high school equivalency.

**(b)** An eligible student who successfully completes the program within two (2) years shall be removed from the graduation cohort and will no longer be counted as a dropout.

**(c)** Not more than five percent (5%) of a participating school's cohort may participate in the program at one (1) time.

**Sec. 7.** An eligible student may participate in the program in lieu of meeting the graduation requirements in IC 20-32-4-1.5.

**Sec. 8.** In addition to successfully achieving their high school equivalency, an eligible student shall:

- (1) demonstrate employability skills through a:
  - (A) project based learning experience;
  - (B) service based learning experience; or
  - (C) work based learning experience; and
- (2) complete one (1) of the following:
  - (A) A certification class approved by the department of workforce development.
  - (B) Indiana specific college ready benchmarks set by the commission for higher education that meet or exceed college ready benchmarks set by the college board and ACT.
  - (C) Completion of the ASVAB and enlistment and service in one (1) of the branches of the armed forces of the United States.
  - (D) Entry into an apprenticeship program recognized by the state that includes a post secondary credential upon completion.

**Sec. 9. (a)** A school corporation may contract with a provider to provide services for the program. However, the program may not receive money from WIOA Title II or state appropriated adult education funding. If contracting with a provider, the school corporation shall ensure the following:

- (1) The provider is a WIOA Title II funded organization.
- (2) Teachers provided by the provider hold a current teaching license from any state, and teachers of core subjects are



qualified in the subjects to which they are assigned.

(3) The provider has provided one (1) or more dropout recovery or high school equivalency programs and testing for at least two (2) years prior to providing a program under this section.

(b) All contracts entered into by a school corporation and a provider shall include requirements for the protection of all personally identifiable student information that shall comply with all applicable state and federal laws and regulations.

Sec. 10. (a) If a school corporation decides to participate in the program, the school corporation shall fund the program from the school corporation's budget or from:

- (1) gifts, donations, and bequests;
- (2) grants, including federal grants and grants from private entities;
- (3) funds from any other source; and
- (4) a combination of the resources described in subdivisions (1), (2), and (3).

(b) Not later than sixty (60) days after the identification of the source of the funds, the governing body of a school corporation shall conduct a public hearing at a location within the school corporation to present and discuss the source of the funds. The governing body may conduct the meeting in conjunction with a regular meeting of the governing body.

(c) The school corporation may only use state tuition support received for a student who participates in the program or funds donated to the program to administer the program.

Sec. 11. If an eligible student enrolled in a school corporation participates in the program, the eligible student may not be a student of an adult education center (as described in IC 22-4.1-20) or an adult high school (as defined under IC 20-24-1-2.3).

Sec. 12. Not later than July 1, 2021, and not later than July 1 of each year thereafter, participating school corporations shall submit a report to the general assembly in an electronic format under IC 5-14-6 concerning the program that includes the following:

- (1) The number of students eligible for the program.
- (2) The number of eligible students who participated in the program.
- (3) The number of credits upon entry to the program.
- (4) The number of eligible students who successfully achieved their high school equivalency through the program.





- (5) A list of credentials earned upon completion of the program.
- (6) A report concerning:
  - (A) eligible students':
    - (i) job placement outcomes; and
    - (ii) matriculation into higher education; and
  - (B) any other information concerning outcomes; as of one (1) year and two (2) years after an eligible student has successfully completed the program.
- (7) Recommendations on improvements to the program.
- (8) An estimated cost to each school corporation for the program.
- (9) To the extent possible, the use of the funding received by the school corporation for an eligible student participating in the program during the previous school year and metrics of student achievement and demographics, including:
  - (A) the amount of funding received that was used for each course or program of instruction included in the program;
  - (B) the amount of funding received that was used for transportation costs for students who participate in the program;
  - (C) the amount of funding received that was used for any other purposes relating to the cost of education for an eligible student who participated in the program; and
  - (D) metrics of eligible student achievement and demographic information for those eligible students who participated in the program during the previous school year, including a comparison to the metrics of student achievement and demographic information for those students who were not participants in the program.
- (10) Any other relevant consideration.

**Sec. 13. This chapter expires June 30, 2024.**

SECTION 8. IC 22-4.1-18-3, AS ADDED BY P.L.7-2011, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. (a) The department shall administer the testing program provided in this chapter. All administrative costs of this program must be funded through appropriations of the general assembly.

**(b) The test shall be:**

- (1) a nationally administered high school equivalency exam utilizing college and career readiness standards that includes subtests of reading, mathematics, science, social studies, and



writing; and

(2) available in a pencil and paper and online formats.

(c) The test vendor shall provide:

- (1) annual in-person and online training;
- (2) an annual national and Indiana statistical report;
- (3) a dedicated customer service line;
- (4) at least one (1) practice test available in both pencil and paper and online formats;
- (5) at least two (2) retests for each subtest, free of charge; and
- (6) a nationally based research report on the long term outcomes for candidates who passed the test, which shall be presented to the department, governor's workforce cabinet, the chairman of the house committee on education, and the chairman of the senate committee on education and career development.

SECTION 9. [EFFECTIVE UPON PASSAGE] (a) The legislative council is urged to assign to an appropriate interim study committee for study during the 2020 interim the topics of:

- (1) whether the state should encourage robotics classes and clubs for students in kindergarten through grade 12; and
- (2) if so, what forms that encouragement should take, in any combination of:
  - (A) one (1) or more programs of grants, competitive prizes, or other funding methods;
  - (B) additional teacher training;
  - (C) cooperative arrangements with postsecondary educational institutions; or
  - (D) other feasible methods.

(b) This SECTION expires January 1, 2021.

SECTION 10. An emergency is declared for this act.



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President of the Senate

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President Pro Tempore

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Speaker of the House of Representatives

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

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