



February 11, 2021

HOUSE BILL No. 1313

DIGEST OF HB 1313 (Updated February 11, 2021 9:58 am - DI 116)

Citations Affected: IC 20-32; IC 20-35.

Synopsis: Students with disabilities. Requires the department of workforce development to inform former students who received a certificate of completion or another nondiploma certificate of recognition and certain students with an individualized education program who withdrew from school (eligible individuals) of certain training or education opportunities. Requires the Indiana management performance hub to use its data resources and technology to cross-reference with data bases of certain state agencies to identify eligible individuals. Requires the state advisory council on the education of children with disabilities to develop the information to be provided by the department of workforce development. Requires the department of workforce development, in consultation with the department of education, to submit an annual report to the general assembly and the state advisory council on the education of children with disabilities. Requires the state board of education, not later than December 1, 2021, to adopt rules to establish an alternate diploma for students with significant cognitive disabilities.

Effective: Upon passage.

Clere, Pfaff, Davis, Behning

January 14, 2021, read first time and referred to Committee on Education.
February 11, 2021, amended, reported — Do Pass.

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February 11, 2021

First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

HOUSE BILL No. 1313

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 20-32-4-14, AS ADDED BY P.L.192-2018,
2 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 14. (a) The state board shall create an
4 alternate diploma for students with significant cognitive disabilities.
5 The diploma must be:
6 (1) standards-based; and
7 (2) aligned with Indiana's requirements for an Indiana diploma.
8 (b) Not more than one percent (1%) of students of a cohort may
9 receive the alternate diploma established by the state board under
10 subsection (a).
11 (c) The alternate diploma must comply with the federal Every
12 Student Succeeds Act (ESSA) (20 U.S.C. 6311).
13 (d) **Not later than December 1, 2021**, the state board shall adopt
14 rules under IC 4-22-2 that are necessary to carry out this section.
15 SECTION 2. IC 20-35-6-3 IS ADDED TO THE INDIANA CODE
16 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE
17 UPON PASSAGE]: **Sec. 3. (a) As used in this section, "eligible**

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- 1 **individual" means a:**
- 2 (1) former student who attended a school and who received a
- 3 certificate of completion or another nondiploma certificate of
- 4 recognition after December 31, 2003; or
- 5 (2) former student who:
- 6 (A) had:
- 7 (i) an individualized education program;
- 8 (ii) a service plan developed under 511 IAC 7-34;
- 9 (iii) a choice scholarship education plan developed under
- 10 511 IAC 7-49; or
- 11 (iv) a plan developed under Section 504 of the federal
- 12 Rehabilitation Act of 1973, 29 U.S.C. 794; and
- 13 (B) withdrew from school after December 31, 2003, and
- 14 who was at least sixteen (16) years of age on the date of
- 15 withdrawal.
- 16 (b) The Indiana management performance hub established by
- 17 IC 4-3-26-8 shall use its data resources and technology to
- 18 cross-reference with data bases maintained by:
- 19 (1) the department;
- 20 (2) all divisions, offices, and institutions under the authority
- 21 of the office of the secretary of family and social services;
- 22 (3) the department of correction;
- 23 (4) the department of workforce development;
- 24 (5) the department of child services;
- 25 (6) the bureau of motor vehicles; and
- 26 (7) the department of natural resources;
- 27 to identify eligible individuals. Before July 1, 2021, the Indiana
- 28 management performance hub shall forward its findings to the
- 29 department of workforce development in order that the
- 30 department of workforce development may provide eligible
- 31 individuals under subsection (e) an information resource sheet
- 32 developed under subsection (c).
- 33 (c) Beginning in 2022, and each year thereafter, the state
- 34 advisory council on the education of children with disabilities
- 35 established under IC 20-35-3-1 shall annually update the
- 36 information developed by the state advisory council on the
- 37 education of children with disabilities under P.L.128-2020.
- 38 (d) Before July 1, 2021, the state advisory council on the
- 39 education of children with disabilities established under
- 40 IC 20-35-3-1 shall submit the information resource sheet developed
- 41 under subsection (c) to the:
- 42 (1) department; and



1 (2) department of workforce development.
 2 The department and the department of workforce development
 3 shall include a copy of the information resource sheet on the
 4 department's and department of workforce development's Internet
 5 web sites.

6 (e) On or before September 1, 2021, the department of
 7 workforce development shall communicate via mail or electronic
 8 mail with eligible individuals identified in subsection (b) and
 9 provide a copy of the information resource sheet developed under
 10 subsection (c). The department of workforce development shall
 11 also provide at least two (2) follow-up communications by mail or
 12 electronic mail to eligible individuals identified in subsection (b)
 13 that must occur within sixty (60) days of the initial communication.
 14 The department of workforce development shall include
 15 information on how to contact the department of workforce
 16 development if an eligible individual is interested in additional
 17 information.

18 (f) The department, in consultation with the:
 19 (1) Indiana management performance hub established by
 20 IC 4-3-26-8;
 21 (2) office of the secretary of family and social services;
 22 (3) department of correction;
 23 (4) department of workforce development;
 24 (5) department of child services;
 25 (6) bureau of motor vehicles; and
 26 (7) department of natural resources;

27 shall ensure that the requirements under subsections (b) and (e)
 28 comply with the federal Family Education Rights and Privacy Act
 29 (20 U.S.C. 1232g et seq.) and any other federal or state privacy
 30 legal requirements.

31 (g) On or before November 1, 2021, and each November 1
 32 thereafter, the department of workforce development, in
 33 consultation with the department, shall prepare and submit a
 34 report to the general assembly, in an electronic format under
 35 IC 5-14-6, and the state advisory council on the education of
 36 children with disabilities established under IC 20-35-3-1,
 37 containing:

38 (1) the number of eligible individuals contacted by the
 39 department of workforce development under subsection (e)
 40 for the current year;
 41 (2) the number of eligible individuals who contacted the
 42 department of workforce development under subsection (e);



1 **(3) the number of failed contact attempts by the department**
2 **of workforce development under subsection (e); and**
3 **(4) any recommendations for improving the implementation**
4 **of this section.**
5 **SECTION 3. An emergency is declared for this act.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1313, 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 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 20-32-4-14, AS ADDED BY P.L.192-2018, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) The state board shall create an alternate diploma for students with significant cognitive disabilities. The diploma must be:

(1) standards-based; and

(2) aligned with Indiana's requirements for an Indiana diploma.

(b) Not more than one percent (1%) of students of a cohort may receive the alternate diploma established by the state board under subsection (a).

(c) The alternate diploma must comply with the federal Every Student Succeeds Act (ESSA) (20 U.S.C. 6311).

(d) **Not later than December 1, 2021**, the state board shall adopt rules under IC 4-22-2 that are necessary to carry out this section."

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1313 as introduced.)

BEHNING

Committee Vote: yeas 11, nays 0.

