



March 19, 2021

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# ENGROSSED HOUSE BILL No. 1313

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DIGEST OF HB 1313 (Updated March 17, 2021 4:00 pm - DI 110)

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

**Synopsis:** Students with disabilities. Requires the Indiana management performance hub to: (1) use its data resources and technology to cross-reference with data bases of certain state agencies to identify certain former students with disabilities (eligible individuals); (2) coordinate with the state department of health to determine whether identified eligible individuals are deceased; and (3) provide the information concerning eligible individuals to the department of workforce development (DWD). Requires the state department of health to, not later than November 1, 2021, coordinate with the Indiana management performance hub. Requires the DWD to: (1) communicate with identified eligible individuals; and (2) provide to the eligible individuals a copy of a resource list concerning training  
(Continued next page)

**Effective:** Upon passage.

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## Clere, Pfaff, Davis, Behning

(SENATE SPONSORS — KRUSE, DONATO, FORD JON, FORD J.D.,  
YODER, QADDOURA)

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January 14, 2021, read first time and referred to Committee on Education.  
February 11, 2021, amended, reported — Do Pass.  
February 15, 2021, read second time, ordered engrossed. Engrossed.  
February 16, 2021, read third time, passed. Yeas 97, nays 0.

SENATE ACTION

February 23, 2021, read first time and referred to Committee on Education and Career Development.  
March 18, 2021, amended, reported favorably — Do Pass.

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EH 1313—LS 7088/DI 116



Digest Continued

and education opportunities and employment services resources. Requires the state advisory council on the education of children with disabilities (council) to annually update and submit the resource list to the department of education and the DWD. Requires the department of education and DWD to post a copy of the most recently updated resource list on the department's and DWD's Internet web sites. Requires the DWD, in consultation with the department of education, to prepare and submit an annual report to the general assembly and the council. Requires the state board of education to, not later than December 1, 2021, adopt rules to create an alternate diploma for students with significant cognitive disabilities.

**EH 1313—LS 7088/DI 116**



March 19, 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.

## ENGROSSED 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.
- 28 (c) The Indiana management performance hub shall:
- 29 (1) establish a list of eligible individuals identified under
- 30 subsection (b); and
- 31 (2) coordinate with the state department of health to
- 32 determine whether eligible individuals identified under
- 33 subsection (b) are deceased.
- 34 This subsection expires January 1, 2023.
- 35 (d) The state department of health shall, not later than
- 36 November 1, 2021, coordinate with the Indiana management
- 37 performance hub to determine whether individuals identified
- 38 under subsection (b) are deceased. This subsection expires January
- 39 1, 2023.
- 40 (e) The Indiana management performance hub shall, not later
- 41 than January 1, 2022, provide the information described in
- 42 subsections (b) and (c) concerning eligible individuals to the



1 department of workforce development in order for the department  
 2 of workforce development to provide eligible individuals the  
 3 communication and resource list as required under subsection (h).  
 4 This subsection expires January 1, 2023.

5 (f) Beginning in the 2021 calendar year and each calendar year  
 6 thereafter, the state advisory council on the education of children  
 7 with disabilities appointed under IC 20-35-3-1 shall annually  
 8 update the resource list developed before January 1, 2021, by the  
 9 state advisory council on the education of children with disabilities  
 10 in accordance with P.L.128-2020 that includes the following  
 11 information:

12 (1) A description of the opportunities that eligible individuals  
 13 have to earn a diploma, including an alternative diploma  
 14 described in IC 20-32-4-14 or an Indiana high school  
 15 equivalency diploma.

16 (2) A list of the following:

17 (A) Resources available to eligible individuals regarding  
 18 employment services.

19 (B) Vocational training opportunities for eligible  
 20 individuals.

21 (g) Not later than December 31, 2021, and not later than  
 22 December 31 each year thereafter, the state advisory council on the  
 23 education of children with disabilities established under  
 24 IC 20-35-3-1 shall submit the most recently updated resource list  
 25 described in subsection (f) to the:

26 (1) department; and

27 (2) department of workforce development.

28 The department and the department of workforce development  
 29 shall post a copy of the most recently updated resource list on the  
 30 department's and department of workforce development's Internet  
 31 web sites.

32 (h) The department of workforce development shall do the  
 33 following:

34 (1) Not later than March 1, 2022, communicate via mail or  
 35 electronic mail with and provide a copy of the resource list  
 36 described in subsection (f) to eligible individuals described in  
 37 subsection (e).

38 (2) Provide at least four (4) follow-up communications via  
 39 mail or electronic mail to an eligible individual described in  
 40 subdivision (1) as follows:

41 (A) Provide the first follow-up communication not later  
 42 than thirty (30) days after the date that the department of



- 1 workforce development initially communicates with the  
 2 eligible individual under subdivision (1).
- 3 (B) Provide the second follow-up communication not  
 4 earlier than thirty (30) days and not later than sixty (60)  
 5 days after the date that the department of workforce  
 6 development initially communicates with the eligible  
 7 individual under subdivision (1).
- 8 (C) Provide the third follow-up communication not earlier  
 9 than sixty (60) days and not later than ninety (90) days  
 10 after the date that the department of workforce  
 11 development initially communicates with the eligible  
 12 individual under subdivision (1).
- 13 (D) Provide the fourth follow-up communication not  
 14 earlier than ninety (90) days and not later than one  
 15 hundred twenty (120) days after the date that the  
 16 department of workforce development initially  
 17 communicates with the eligible individual under  
 18 subdivision (1).
- 19 (3) Develop, in consultation with the department and The Arc  
 20 of Indiana, the content and form of the communications  
 21 described in subdivisions (1) and (2).
- 22 (4) Include in the communications described in subdivisions  
 23 (1) and (2) information regarding how to contact the  
 24 department of workforce development if an eligible individual  
 25 is interested in additional information.
- 26 However, the department of workforce development is not  
 27 required to communicate with or provide a resource list to an  
 28 eligible individual if the eligible individual requests that the  
 29 department of workforce development not contact the eligible  
 30 individual. This subsection expires January 1, 2023.
- 31 (i) The department, in consultation with the:
- 32 (1) Indiana management performance hub established by  
 33 IC 4-3-26-8;
- 34 (2) office of the secretary of family and social services;
- 35 (3) department of correction;
- 36 (4) department of workforce development;
- 37 (5) department of child services;
- 38 (6) bureau of motor vehicles;
- 39 (7) department of natural resources; and
- 40 (8) state department of health;
- 41 shall ensure that the requirements under this section comply with  
 42 the federal Family Education Rights and Privacy Act (20 U.S.C.



1 1232g et seq.) and any other federal or state privacy legal  
2 requirements. This subsection expires January 1, 2023.

3 (j) Not later than November 1, 2022, the department of  
4 workforce development, in consultation with the department, shall  
5 prepare and submit a report to the general assembly, in an  
6 electronic format under IC 5-14-6, and the state advisory council  
7 on the education of children with disabilities appointed under  
8 IC 20-35-3-1, containing the following:

9 (1) The number of eligible individuals contacted by the  
10 department of workforce development under subsection (h).

11 (2) The number of eligible individuals who contacted the  
12 department of workforce development under subsection (h).

13 (3) The number of individuals unable to be contacted by the  
14 department of workforce development under subsection (h).

15 (4) The number for each of the following:

16 (A) Eligible individuals identified under subsection (b) who  
17 are deceased.

18 (B) Eligible individuals identified under subsection (b) who  
19 are incarcerated.

20 (C) Eligible individuals identified under subsection (b) who  
21 reside outside of Indiana.

22 (D) Eligible individuals identified under subsection (b) who  
23 meet any other relevant criteria, as determined by the  
24 department of workforce development.

25 (5) The number of eligible individuals that the department of  
26 workforce development referred to vocational rehabilitation  
27 services.

28 (6) Any recommendations for improving the implementation  
29 of this section.

30 This subsection expires January 1, 2023.

31 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.

## COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred House Bill No. 1313, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 27, delete "Before July 1, 2021, the Indiana".

Page 2, delete lines 28 through 42, begin a new paragraph and insert:

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**"(c) The Indiana management performance hub shall:**

- (1) establish a list of eligible individuals identified under subsection (b); and**
- (2) coordinate with the state department of health to determine whether eligible individuals identified under subsection (b) are deceased.**

**This subsection expires January 1, 2023.**

**(d) The state department of health shall, not later than November 1, 2021, coordinate with the Indiana management performance hub to determine whether individuals identified under subsection (b) are deceased. This subsection expires January 1, 2023.**

**(e) The Indiana management performance hub shall, not later than January 1, 2022, provide the information described in subsections (b) and (c) concerning eligible individuals to the department of workforce development in order for the department of workforce development to provide eligible individuals the communication and resource list as required under subsection (h). This subsection expires January 1, 2023.**

**(f) Beginning in the 2021 calendar year and each calendar year thereafter, the state advisory council on the education of children with disabilities appointed under IC 20-35-3-1 shall annually update the resource list developed before January 1, 2021, by the state advisory council on the education of children with disabilities in accordance with P.L.128-2020 that includes the following information:**

- (1) A description of the opportunities that eligible individuals have to earn a diploma, including an alternative diploma described in IC 20-32-4-14 or an Indiana high school equivalency diploma.**
- (2) A list of the following:**
  - (A) Resources available to eligible individuals regarding employment services.**
  - (B) Vocational training opportunities for eligible individuals.**

**(g) Not later than December 31, 2021, and not later than December 31 each year thereafter, the state advisory council on the education of children with disabilities established under IC 20-35-3-1 shall submit the most recently updated resource list described in subsection (f) to the:**

- (1) department; and**
- (2) department of workforce development.**



The department and the department of workforce development shall post a copy of the most recently updated resource list on the department's and department of workforce development's Internet web sites.

(h) The department of workforce development shall do the following:

(1) Not later than March 1, 2022, communicate via mail or electronic mail with and provide a copy of the resource list described in subsection (f) to eligible individuals described in subsection (e).

(2) Provide at least four (4) follow-up communications via mail or electronic mail to an eligible individual described in subdivision (1) as follows:

(A) Provide the first follow-up communication not later than thirty (30) days after the date that the department of workforce development initially communicates with the eligible individual under subdivision (1).

(B) Provide the second follow-up communication not earlier than thirty (30) days and not later than sixty (60) days after the date that the department of workforce development initially communicates with the eligible individual under subdivision (1).

(C) Provide the third follow-up communication not earlier than sixty (60) days and not later than ninety (90) days after the date that the department of workforce development initially communicates with the eligible individual under subdivision (1).

(D) Provide the fourth follow-up communication not earlier than ninety (90) days and not later than one hundred twenty (120) days after the date that the department of workforce development initially communicates with the eligible individual under subdivision (1).

(3) Develop, in consultation with the department and The Arc of Indiana, the content and form of the communications described in subdivisions (1) and (2).

(4) Include in the communications described in subdivisions (1) and (2) information regarding how to contact the department of workforce development if an eligible individual is interested in additional information.

However, the department of workforce development is not required to communicate with or provide a resource list to an



**eligible individual if the eligible individual requests that the department of workforce development not contact the eligible individual. This subsection expires January 1, 2023."**

Page 3, delete lines 1 through 17.

Page 3, line 18, delete "(f)" and insert "(i)".

Page 3, line 25, delete "and".

Page 3, line 26, after "resources;" insert "**and**".

Page 3, between lines 26 and 27, begin a new line block indented and insert:

**"(8) state department of health;"**.

Page 3, line 27, delete "subsections (b) and (e)" and insert "**this section**".

Page 3, line 30, after "requirements." insert "**This subsection expires January 1, 2023.**".

Page 3, delete lines 31 through 42, begin a new paragraph and insert:

**"(j) Not later than November 1, 2022, the department of workforce development, in consultation with the department, shall prepare and submit a report to the general assembly, in an electronic format under IC 5-14-6, and the state advisory council on the education of children with disabilities appointed under IC 20-35-3-1, containing the following:**

- (1) The number of eligible individuals contacted by the department of workforce development under subsection (h).**
- (2) The number of eligible individuals who contacted the department of workforce development under subsection (h).**
- (3) The number of individuals unable to be contacted by the department of workforce development under subsection (h).**
- (4) The number for each of the following:**
  - (A) Eligible individuals identified under subsection (b) who are deceased.**
  - (B) Eligible individuals identified under subsection (b) who are incarcerated.**
  - (C) Eligible individuals identified under subsection (b) who reside outside of Indiana.**
  - (D) Eligible individuals identified under subsection (b) who meet any other relevant criteria, as determined by the department of workforce development.**
- (5) The number of eligible individuals that the department of workforce development referred to vocational rehabilitation services.**
- (6) Any recommendations for improving the implementation**



**of this section.**

**This subsection expires January 1, 2023."**

Page 4, delete lines 1 through 4.

and when so amended that said bill do pass.

(Reference is to HB 1313 as printed February 11, 2021.)

RAATZ, Chairperson

Committee Vote: Yeas 13, Nays 0.

