

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 ENROLLED ACT No. 1313

AN ACT to amend the Indiana Code concerning education.

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

SECTION 1. IC 20-32-4-14, 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.

SECTION 2. IC 20-35-6-3 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) **As used in this section, "eligible individual" means a:**

- (1) **former student who attended a school and who received a certificate of completion or another nondiploma certificate of recognition after December 31, 2003; or**
- (2) **former student who:**

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(A) had:

- (i) an individualized education program;**
- (ii) a service plan developed under 511 IAC 7-34;**
- (iii) a choice scholarship education plan developed under 511 IAC 7-49; or**
- (iv) a plan developed under Section 504 of the federal Rehabilitation Act of 1973, 29 U.S.C. 794; and**

(B) withdrew from school after December 31, 2003, and who was at least sixteen (16) years of age on the date of withdrawal.

(b) The Indiana management performance hub established by IC 4-3-26-8 shall use its data resources and technology to cross-reference with data bases maintained by:

- (1) the department;**
- (2) all divisions, offices, and institutions under the authority of the office of the secretary of family and social services;**
- (3) the department of correction;**
- (4) the department of workforce development;**
- (5) the department of child services;**
- (6) the bureau of motor vehicles; and**
- (7) the department of natural resources;**

to identify eligible individuals.

(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.

(i) The department, in consultation with the:

- (1) Indiana management performance hub established by IC 4-3-26-8;
- (2) office of the secretary of family and social services;
- (3) department of correction;
- (4) department of workforce development;
- (5) department of child services;
- (6) bureau of motor vehicles;
- (7) department of natural resources; and
- (8) state department of health;

shall ensure that the requirements under this section comply with the federal Family Education Rights and Privacy Act (20 U.S.C. 1232g et seq.) and any other federal or state privacy legal requirements. This subsection expires January 1, 2023.

(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.

SECTION 3. 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: _____

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