

# HOUSE BILL No. 1352

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 20-18-2-19.5; IC 20-28-11.5-9; IC 20-30-5-18; IC 20-32-4-4; IC 20-34-4; IC 20-43-7-1; IC 20-51-4.

**Synopsis:** Various education matters. Adds a definition of "state immunization registry". Provides that disaggregated staff performance evaluation results reported to the department of education by a school corporation are not subject to public record requests. Changes criteria under which a student may receive a graduation waiver. Repeals a provision that requires the chief administrative officer of a school to provide students and parents information concerning meningococcal disease. Removes a provision that school immunization records must be kept uniformly throughout Indiana. Requires the state department of health to publish a two year calendar of immunization requirements and recommendations. Removes a requirement that a school must provide a female student information concerning the link between cervical cancer and the human papillomavirus (HPV) infection. Provides that the parent of any student who has not received the required immunizations shall present the student to a health care provider whose scope of practice includes the administration of the immunization to receive the required immunity. (Current law requires the student to be presented to a physician.) Provides that the health care provider who administers the required vaccines to a student shall enter each immunization administered to the student into the state immunization registry. Provides that each school shall require the parent of a student who has enrolled in the school to furnish proof of the student's immunization status either as a written document from the authorized source or documentation provided from the state immunization registry. Eliminates a requirement for schools to submit  
(Continued next page)

**Effective:** July 1, 2014.

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## Smith V

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January 15, 2014, read first time and referred to Committee on Education.

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## Digest Continued

to the state department of health a report pertaining to certain student immunizations. Requires the state department of health to obtain reports regarding the immunization status of students at the state level and on an aggregate basis by accessing the state immunization registry. Removes a provision that allows the state department of health to commence an action against a school for failing to enforce certain immunization compliance requirements. Changes from December 1 to October 1 the student count date for special education grants. Changes the state tuition support amount to be used in the calculation of a choice scholarship. Makes technical corrections.



Introduced

Second Regular Session 118th General Assembly (2014)

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 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

## HOUSE BILL No. 1352

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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 20-18-2-19.5 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2014]: **Sec. 19.5. "State immunization**  
4 **registry" refers to the immunization data registry maintained by**  
5 **the state department of health under IC 16-38-5.**  
6 SECTION 2. IC 20-28-11.5-9, AS AMENDED BY P.L.254-2013,  
7 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
8 JULY 1, 2014]: Sec. 9. (a) Before August 1 of each year, each school  
9 corporation shall provide the disaggregated results of staff performance  
10 evaluations by teacher identification numbers to the department.  
11 **Disaggregated staff performance evaluation results are not subject**  
12 **to public record requests under IC 5-14-3.**  
13 (b) Before September 1 of each year, the department shall report the  
14 results of staff performance evaluations in the aggregate to the state



1 board, and to the public via the department's Internet web site, for:

2 (1) the aggregate of certificated employees of each school and  
3 school corporation; and

4 (2) the aggregate of graduates of each teacher preparation  
5 program in Indiana.

6 SECTION 3. IC 20-30-5-18 IS REPEALED [EFFECTIVE JULY 1,  
7 2014]. Sec. 18. (a) The chief administrative officer of each:

8 (1) public school (including a charter school as defined in  
9 IC 20-24-1-4); and

10 (2) nonpublic school;

11 shall ensure that information concerning meningococcal disease and its  
12 vaccines is provided to students and parents or guardians of students  
13 at the beginning of each school year.

14 (b) The information provided under subsection (a) must include  
15 information concerning the:

16 (1) causes;

17 (2) symptoms; and

18 (3) spread;

19 of meningococcal disease and the places where parents and guardians  
20 of students may obtain additional information and vaccinations for their  
21 children.

22 (c) The chief administrative officers and the department shall, in  
23 consultation with the state department of health or any other  
24 appropriate entity, develop materials to be made available to schools  
25 to assist schools in providing the information described in this section.

26 (d) The department shall enforce this section.

27 SECTION 4. IC 20-32-4-4, AS AMENDED BY P.L.268-2013,  
28 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
29 JULY 1, 2014]: Sec. 4. A student who does not achieve a passing score  
30 on the graduation examination and who does not meet the requirements  
31 of section 1 of this chapter may be eligible to graduate if the student  
32 does all the following:

33 (1) Takes the graduation examination in each subject area in  
34 which the student did not achieve a passing score at least one (1)  
35 time every school year after the school year in which the student  
36 first takes the graduation examination.

37 (2) Completes remediation opportunities provided to the student  
38 by the student's school.

39 (3) Maintains a school attendance rate of at least ninety-five  
40 percent (95%) with excused absences not counting against the  
41 student's attendance.

42 (4) Maintains at least a "C" average or the equivalent in the



1 courses comprising the credits specifically required for graduation  
 2 by rule of the state board.

3 (5) Otherwise satisfies all state and local graduation requirements.

4 (6) Either:

5 (A) completes:

6 (i) the course and credit requirements for a general diploma,  
 7 including the career academic sequence;

8 (ii) a workforce readiness assessment; and

9 (iii) at least one (1) **work based learning experience,**  
 10 **cooperative education experience, or** industry certification  
 11 that appears on the state board's approved industry  
 12 certification list, which must be updated annually with  
 13 recommendations from the **department and the** department  
 14 of workforce development established by IC 22-4.1-2-1; or

15 (B) obtains a written recommendation from a teacher of the  
 16 student in each subject area in which the student has not  
 17 achieved a passing score on the graduation examination. The  
 18 written recommendation must be aligned with the governing  
 19 body's relevant policy and must be concurred in by the  
 20 principal of the student's school and be supported by  
 21 documentation that the student has attained the academic  
 22 standard in the subject area based on:

23 (i) tests other than the graduation examination; or

24 (ii) classroom work.

25 SECTION 5. IC 20-34-4-1, AS AMENDED BY P.L.2-2007,  
 26 SECTION 231, IS AMENDED TO READ AS FOLLOWS  
 27 [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) Each school shall keep an  
 28 immunization record of the school's students. ~~The records must be kept~~  
 29 ~~uniformly throughout Indiana according to procedures prescribed by~~  
 30 ~~the state department of health.~~

31 (b) Whenever a student transfers to another school, the school from  
 32 which the student is transferring may furnish, not later than twenty (20)  
 33 days after the transfer, a copy of the student's immunization record to  
 34 the school to which the student is transferring.

35 (c) Whenever a student enrolls in a state educational institution, the  
 36 school from which the student graduated may furnish a copy of the  
 37 student's immunization record to the state educational institution. If the  
 38 student is enrolled in a state educational institution while still attending  
 39 a secondary level school, the secondary level school that the student is  
 40 attending may furnish a copy of the student's immunization record to  
 41 the state educational institution.

42 SECTION 6. IC 20-34-4-2, AS AMENDED BY P.L.161-2009,



1 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
2 JULY 1, 2014]: Sec. 2. (a) Every child residing in Indiana shall be  
3 immunized against:

- 4 (1) diphtheria;  
5 (2) pertussis (whooping cough);  
6 (3) tetanus;  
7 (4) measles;  
8 (5) rubella;  
9 (6) poliomyelitis; and  
10 (7) mumps.

11 (b) Every child residing in Indiana who enters kindergarten or grade  
12 1 shall be immunized against hepatitis B and chicken pox.

13 (c) The state department of health shall adopt rules under IC 4-22-2  
14 to require school age children to receive additional immunizations  
15 against the following:

- 16 (1) Meningitis.  
17 (2) Varicella.  
18 (3) Pertussis (whooping cough).

19 The additional immunizations required under the rules shall include an  
20 immunization booster if considered appropriate by the state  
21 department.

22 (d) The state department of health may expand or otherwise modify  
23 the list of communicable diseases that require documentation of  
24 immunity as medical information becomes available that would warrant  
25 the expansion or modification in the interest of public health.

26 **(e) The state department of health shall publish, by November**  
27 **30 of each year, a two (2) year calendar of immunization**  
28 **requirements and recommendations. The calendar must include**  
29 **the immunization requirements for the next school year and the**  
30 **recommendations for the school year following the next school**  
31 **year. Except in extreme situations or an outbreak emergency,**  
32 **changes to the immunization requirements may not occur unless**  
33 **the immunization recommendation has been published for at least**  
34 **twenty (20) months.**

35 ~~(e)~~ **(f)** The state department of health shall adopt rules under  
36 IC 4-22-2 specifying the:

- 37 (1) required immunizations;  
38 (2) child's age for administering each vaccine;  
39 (3) adequately immunizing doses; and  
40 (4) method of documentation of proof of immunity.

41 SECTION 7. IC 20-34-4-3, AS AMENDED BY P.L.80-2007,  
42 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2014]: Sec. 3. (a) Each school shall notify each parent of a  
 2 student who enrolls in the school of the requirement that the student  
 3 must be immunized and that the immunization is required for the  
 4 student's continued enrollment, attendance, or residence at the school  
 5 unless:

6 (1) the parent or student provides the appropriate documentation  
 7 of immunity; **or**

8 (2) for chicken pox, the parent or student provides a written  
 9 signed statement that the student has indicated a history of  
 10 chicken pox; or

11 (3) (2) IC 20-34-3-2 or IC 20-34-3-3 applies.

12 (b) A school that enrolls grade 6 female students shall provide each  
 13 parent of a female student who is entering grade 6 with information  
 14 prescribed by the state department of health under subsection (c)  
 15 concerning the link between cervical cancer and the human  
 16 papillomavirus (HPV) infection and that an immunization against the  
 17 human papillomavirus (HPV) infection is available.

18 (c) The state department of health shall provide a school described  
 19 in subsection (b) with the information concerning cervical cancer and  
 20 the human papillomavirus (HPV) infection required in subsection (b):  
 21 The information must include the following:

22 (1) The latest scientific information on the immunization against  
 23 the human papillomavirus (HPV) infection and the  
 24 immunization's effectiveness against causes of cervical cancer.

25 (2) That a pap smear is still critical for the detection of  
 26 precancerous changes in the cervix to allow for treatment before  
 27 cervical cancer develops.

28 (3) Information concerning the means in which the human  
 29 papillomavirus (HPV) infection is contracted.

30 (4) A statement that any questions or concerns concerning  
 31 immunizing the child against human papillomavirus (HPV) could  
 32 be answered by contacting a health care provider.

33 SECTION 8. IC 20-34-4-4, AS ADDED BY P.L.1-2005, SECTION  
 34 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
 35 2014]: Sec. 4. (a) The parent of any student who has not received the  
 36 immunizations required under this chapter shall present the student to  
 37 a physician and request the physician administer the immunizations:  
 38 **health care provider whose scope of practice includes the**  
 39 **administration of the immunization to receive the required**  
 40 **immunity.** If the parent is unable to secure the immunizations, the  
 41 local health department serving the area in which the student resides  
 42 may provide the immunizations. Vaccines provided by the local health



1 department shall be furnished by the local health board or the state  
2 department of health from available supplies.

3 (b) ~~The physician health care provider whose scope of practice~~  
4 **includes the administration of the immunization** who administers  
5 the required vaccines to a student shall ~~give a certificate or other~~  
6 ~~documentation of the immunizations to the individual who presented~~  
7 ~~the student for immunization. This certificate or other documentation~~  
8 ~~shall be presented on request to the local health department or the local~~  
9 ~~health department's authorized representative. enter each~~  
10 **immunization administered to the student into the state**  
11 **immunization registry.**

12 SECTION 9. IC 20-34-4-5, AS ADDED BY P.L.1-2005, SECTION  
13 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
14 2014]: Sec. 5. (a) Each school shall require the parent of a student who  
15 has enrolled in the school to furnish not later than the first day of  
16 school a ~~written statement of the student's immunization, accompanied~~  
17 ~~by the physician's certificates or other documentation, unless a written~~  
18 ~~statement of this nature is on file with the school. attendance proof of~~  
19 **the student's immunization status either as a written document**  
20 **from the authorized source or documentation provided from the**  
21 **state immunization registry.**

22 (b) The statement must show, except for a student to whom  
23 IC 20-34-3-2 or IC 20-34-3-3 applies, that the student has been  
24 immunized as required under section 2 of this chapter. The statement  
25 must include the student's date of birth and the date of each  
26 immunization.

27 (c) A student may not be permitted to attend school beyond the first  
28 day of school without furnishing the ~~written statement, appropriate~~  
29 **documentation described in subsection (a)**, unless:

- 30 (1) the school gives the parent of the student a waiver; or  
31 (2) the local health department or a physician determines that the  
32 student's immunization schedule has been delayed due to extreme  
33 circumstances and that the required immunizations will not be  
34 completed before the first day of school.

35 The waiver referred to in subdivision (1) may not be granted for a  
36 period that exceeds twenty (20) days. If subdivision (2) applies, the  
37 parent of the student shall furnish the written statement and a schedule,  
38 **approved provided** by a physician or the local health department, for  
39 the completion of the remainder of the immunizations.

40 (d) ~~The state department of health may commence an action against~~  
41 ~~a school under IC 4-21.5-3-6 or IC 4-21.5-4 for the issuance of an order~~  
42 ~~of compliance for failure to enforce this section.~~





1 (e) (d) Neither a religious objection under IC 20-34-3-2 nor an  
 2 exception for the student's health under IC 20-34-3-3 relieves a parent  
 3 from the reporting requirements under this section.

4 (f) The state department of health shall adopt rules under IC 4-22-2  
 5 to implement this section:

6 SECTION 10. IC 20-34-4-5.5 IS REPEALED [EFFECTIVE JULY  
 7 1, 2014]. Sec. 5.5: (a) Each school that enrolls grade 6 female students  
 8 shall require the parent of a female student entering grade 6 to furnish  
 9 not later than the twenty (20) school days after the first day of school  
 10 a written statement prescribed by the state department of health under  
 11 subsection (b) stating that the parent has received the information  
 12 required under section 3(b) of this chapter and that:

13 (1) the student has received or is receiving the immunization;

14 (2) the parent has decided not to have the student immunized; or

15 (3) the parent chooses not to provide the information to the school  
 16 concerning whether the student was immunized;

17 against the human papillomavirus (HPV) infection:

18 (b) The state department of health shall prescribe the format for the  
 19 written statement required under subsection (a):

20 (c) A student may not be prevented from enrolling in, attending, or  
 21 graduating from school for the sole reason that the student has not  
 22 provided the school with the written statement required under this  
 23 section:

24 SECTION 11. IC 20-34-4-6, AS AMENDED BY P.L.80-2007,  
 25 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 26 JULY 1, 2014]: Sec. 6. (a) Not later than sixty (60) days after the  
 27 enrollment of students for the first time and when additional  
 28 immunizations are required by statute or rule, each school shall file a  
 29 written report with the state department of health and the local health  
 30 department having jurisdiction. The report must include the following:

31 (1) A statement of the number of students who have demonstrated  
 32 immunity against diphtheria, pertussis (whooping cough), tetanus,  
 33 measles, rubella, poliomyelitis, mumps, and hepatitis B:

34 (2) A statement of the number of students who have not  
 35 demonstrated immunity against the illnesses listed in subdivision  
 36 (1):

37 (3) A statement of the number of students who have been found  
 38 positive for sickle cell anemia or lead poisoning:

39 (4) Beginning in the 2008-2009 school year, a statement of the  
 40 number of female students in grade 6 who:

41 (A) have or will have; and

42 (B) have not;



1           been immunized against human papillomavirus (HPV) infection;  
 2           and the number of female students in grade 6 whose parent chose  
 3           not to provide the information to the school concerning whether  
 4           the student was immunized.

5           **(a) The state department of health shall obtain reports**  
 6           **regarding the immunization status of students at the state level and**  
 7           **on an aggregate basis by accessing the state immunization registry.**

8           (b) The state department of health and the local health department  
 9           shall, for good cause shown that there exists a substantial threat to the  
 10          health and safety of a student or the school community, be able to  
 11          validate immunization reports by onsite reviews or examinations of  
 12          nonidentifying immunization record data. This section does not  
 13          independently authorize the state department of health, a local  
 14          department of health, or an agent of the state department of health or  
 15          local department of health to have access to identifying medical or  
 16          academic record data of individual students attending nonaccredited  
 17          nonpublic schools.

18          (c) ~~A school shall file a report for each student who enrolls after the~~  
 19          ~~filing of the report for students who enrolled at the beginning of the~~  
 20          ~~school year. The state department of health has exclusive power to~~  
 21          ~~adopt rules for the administration of this section.~~

22          SECTION 12. IC 20-43-7-1, AS AMENDED BY P.L.205-2013,  
 23          SECTION 290, IS AMENDED TO READ AS FOLLOWS  
 24          [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) In addition to the amount a  
 25          school corporation is entitled to receive in basic tuition support, each  
 26          school corporation is entitled to receive a grant for special education  
 27          programs for the state fiscal year. Subject to subsections (b) and (c), the  
 28          amount of the special education grant is based on the count of eligible  
 29          pupils enrolled in special education programs on ~~December 1~~ **October**  
 30          **1** of the preceding state fiscal year in:

- 31               (1) the school corporation; or  
 32               (2) a transferee corporation.

33          (b) Before February 1 of each calendar year, the department shall  
 34          determine the result of:

- 35               (1) the total amount of the special education grant that would  
 36               have been received by the school corporation during the months  
 37               of July, August, September, October, November, and December  
 38               of the preceding calendar year and January of the current calendar  
 39               year if the grant had been based on the count of students with  
 40               disabilities that was made on the immediately preceding  
 41               ~~December 1~~ **October 1**; minus  
 42               (2) the total amount of the special education grant received by the



1 school corporation during the months of July, August, September,  
 2 October, November, and December of the preceding calendar  
 3 year and January of the current calendar year.

4 If the result determined under this subsection is positive, the school  
 5 corporation shall receive an additional special education grant  
 6 distribution in February equal to the result determined under this  
 7 subsection. If the result determined under this subsection is negative,  
 8 the special education grant distributions that otherwise would be  
 9 received by the school corporation in February, March, April, and May  
 10 shall be proportionately reduced so that the total reduction is equal to  
 11 the result determined under this subsection.

12 (c) The special education grant distributions made in February,  
 13 March, April, May, and June of a calendar year shall be based on the  
 14 count of students with disabilities that was made on the immediately  
 15 preceding ~~December 1~~. **October 1**.

16 SECTION 13. IC 20-51-4-4, AS AMENDED BY P.L.205-2013,  
 17 SECTION 311, IS AMENDED TO READ AS FOLLOWS  
 18 [EFFECTIVE JULY 1, 2014]: Sec. 4. The amount an eligible choice  
 19 scholarship student is entitled to receive under this chapter for a school  
 20 year is equal to the following:

21 (1) The least of the following:

22 (A) The sum of the tuition, transfer tuition, and fees required  
 23 for enrollment or attendance of the eligible choice scholarship  
 24 student at the eligible school selected by the eligible choice  
 25 scholarship student for a school year that the eligible choice  
 26 scholarship student (or the parent of the eligible choice  
 27 scholarship student) would otherwise be obligated to pay to  
 28 the eligible school.

29 (B) An amount equal to:

30 (i) ninety percent (90%) of the state tuition support amount  
 31 determined under section 5 of this chapter if the eligible  
 32 choice scholarship student is a member of a household with  
 33 an annual income of not more than the amount required for  
 34 the eligible choice scholarship student to qualify for the  
 35 federal free or reduced price lunch program; and

36 (ii) fifty percent (50%) of the state tuition support amount  
 37 determined under section 5 of this chapter if the eligible  
 38 choice scholarship student is a member of a household with  
 39 an annual income of, in the case of an individual not  
 40 described in section 2.5 of this chapter, not more than one  
 41 hundred fifty percent (150%) of the amount required for the  
 42 eligible choice scholarship student to qualify for the federal



1 free or reduced price lunch program or, in the case of an  
 2 individual described in section 2.5 of this chapter, not more  
 3 than two hundred percent (200%) of the amount required for  
 4 the eligible choice scholarship student to qualify for the  
 5 federal free or reduced price lunch program.  
 6 (C) If the eligible choice scholarship student is enrolled in  
 7 **grade + kindergarten** through **grade 8**, the maximum choice  
 8 scholarship that the eligible choice scholarship student may  
 9 receive for a school year:  
 10 (i) beginning before July 1, 2013, is four thousand five  
 11 hundred dollars (\$4,500);  
 12 (ii) beginning after June 30, 2013, and before July 1, 2014,  
 13 is four thousand seven hundred dollars (\$4,700); and  
 14 (iii) beginning after June 30, 2014, is four thousand eight  
 15 hundred dollars (\$4,800).  
 16 (2) In addition, if applicable, any amount that a school corporation  
 17 would receive under IC 20-43-7 for the student if the student  
 18 attended the school corporation.  
 19 SECTION 14. IC 20-51-4-5, AS AMENDED BY P.L.211-2013,  
 20 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 21 JULY 1, 2014]: Sec. 5. The **state basic** tuition support amount to be  
 22 used in section 4(1)(B) of this chapter for an eligible choice scholarship  
 23 student is the amount ~~determined under the last STEP of the following~~  
 24 ~~formula:~~ **specified in STEP ONE of IC 20-43-5-4 for the state fiscal**  
 25 **year in which the current school year begins.**  
 26 **STEP ONE:** Determine the school corporation in which the  
 27 eligible choice scholarship student has legal settlement.  
 28 **STEP TWO:** Determine the amount of state tuition support that  
 29 the school corporation identified under STEP ONE is eligible to  
 30 receive under IC 20-43 for the state fiscal year in which the  
 31 current school year begins, excluding amounts provided for  
 32 special education grants under IC 20-43-7 and career and  
 33 technical education grants under IC 20-43-8.  
 34 **STEP THREE:** Determine the result of:  
 35 (A) the STEP TWO amount; divided by  
 36 (B) the current ADM (as defined in IC 20-43-1-10) for the  
 37 school corporation identified under STEP ONE for the state  
 38 fiscal year used in STEP TWO.

