

# HOUSE BILL No. 1398

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 20-26-13-10; IC 20-31-8-4.6.

**Synopsis:** Graduation rate calculation. Provides that at-risk students who are receiving certain educational services are not counted against a school's four year graduation rate.

**Effective:** July 1, 2023.

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## Goodrich, DeVon, Behning

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January 17, 2023, read first time and referred to Committee on Education.

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First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

## HOUSE BILL No. 1398

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 20-26-13-10, AS AMENDED BY P.L.32-2021,  
2 SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2023]: Sec. 10. (a) Except as provided in section 11 of this  
4 chapter, the four (4) year graduation rate for a cohort in a high school  
5 is the percentage determined under STEP FIVE of the following  
6 formula:  
7 STEP ONE: Determine the grade 9 enrollment at the beginning of  
8 the reporting year three (3) years before the reporting year for  
9 which the graduation rate is being determined.  
10 STEP TWO: Add:  
11 (A) the number determined under STEP ONE; and  
12 (B) the number of students who:  
13 (i) have enrolled in the high school after the date on which  
14 the number determined under STEP ONE was determined;  
15 and  
16 (ii) have the same expected graduation year as the cohort.  
17 STEP THREE: Subtract from the sum determined under STEP



1 TWO the number of students who have left the cohort for any of  
 2 the following reasons:

3 (A) Transfer to another public or nonpublic school.

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

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

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

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

14 (F) Enrollment in a virtual school.

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

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

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

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

29 (K) Participating in the high school equivalency pilot program  
 30 under IC 20-30-8.5, unless the student fails to successfully  
 31 complete the high school equivalency pilot program in the two  
 32 (2) year period. This clause expires June 30, 2024.

33 **(L) Participating in dropout recovery educational services**  
 34 **under IC 20-31-8-4.6.**

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

38 STEP FIVE: Divide:

39 (A) the number determined under STEP FOUR; by

40 (B) the remainder determined under STEP THREE.

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

42 (1) for a:



- 1 (A) cohort of one hundred (100) students or less, at least ten  
 2 percent (10%) of the students left a particular cohort for a  
 3 reason described in subsection (a) STEP THREE clause (B);  
 4 or  
 5 (B) cohort of more than one hundred (100) students, at least  
 6 five percent (5%) of the students left a particular cohort for a  
 7 reason described in subsection (a) STEP THREE clause (B);  
 8 and  
 9 (2) the students described in subdivision (1)(A) or (1)(B) are not  
 10 on track to graduate with their cohort.

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

21 SECTION 2. IC 20-31-8-4.6, AS ADDED BY P.L.217-2017,  
 22 SECTION 105, IS AMENDED TO READ AS FOLLOWS  
 23 [EFFECTIVE JULY 1, 2023]: Sec. 4.6. (a) If a school corporation or  
 24 a charter school enters into an agreement with an eligible school (as  
 25 defined in IC 20-51-1-4.7) to provide dropout recovery educational  
 26 services for an at-risk student who is enrolled at a public school, the  
 27 student may not be included in the calculation of the public school's:

- 28 (1) category or designation of school performance; **or**  
 29 (2) **graduation rate calculation.**  
 30 (b) The state board shall adopt rules under IC 4-22-2 and any  
 31 guidelines necessary to carry out this section.

