

Second Regular Session of the 120th General Assembly (2018)

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 2017 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1420

AN ACT to amend the Indiana Code concerning education.

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

SECTION 1. IC 7.1-3-1.5-13, AS AMENDED BY P.L.13-2013, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 13. (a) **Except as provided in IC 7.1-3-1.7**, a retailer permittee or dealer permittee who operates an establishment where alcoholic beverages are served or sold must:

- (1) ensure that each alcohol server completes a server program or a trainer program established or approved under section 5.5 or 6 of this chapter not later than one hundred twenty (120) days after the date the alcohol server begins employment at the establishment;
- (2) require each alcohol server to attend a refresher course that includes the dissemination of new information concerning the server program subject areas described in section 6 of this chapter or subject areas of a trainer program every three (3) years after the date the alcohol server completes a server program or a trainer program; and
- (3) maintain training verification records of each alcohol server.

(b) A retailer permittee, a dealer permittee, or a management representative of a retailer or dealer permittee must complete a server program or a trainer program established or approved under section 5.5 or 6 of this chapter:

- (1) not later than one hundred twenty (120) days after the date:

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- (A) the dealer permittee is issued a permit described in section 2 of this chapter; or
 - (B) the retailer permittee is issued a permit described in section 4 of this chapter; and
 - (2) every five (5) years after the date the retailer permittee, dealer permittee, or management representative of the retailer or dealer permittee completes a server program or a trainer program.
 - (c) The commission shall notify a:
 - (1) dealer permittee at the time the dealer permittee renews a permit described in section 2 of this chapter; and
 - (2) retailer permittee at the time the retailer permittee renews a permit described in section 4 of this chapter;
- of the requirements under subsections (a) and (b).
- (d) The commission may suspend or revoke a retailer permittee's or dealer permittee's permit or fine a retailer permittee or dealer permittee for noncompliance with this section in accordance with IC 7.1-3-23.

SECTION 2. IC 7.1-3-1.7 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]:

Chapter 1.7. Exempt Servers

Sec. 1. The following definitions apply throughout this chapter:

- (1) "Accredited hospitality management program" means a hospitality management program that is:
 - (A) accredited by the Accreditation Commission for Programs in Hospitality Administration or a similar nationally recognized accrediting organization; and
 - (B) offered by a state educational institution.
- (2) "State educational institution" has the meaning set forth in IC 21-7-13-32.

Sec. 2. (a) Notwithstanding any other law, a person at least eighteen (18) years of age may work as a waiter or waitress on the licensed premises of a retailer permittee without having attended a server program or obtained a server certificate or employee permit if all of the following requirements are met:

- (1) The licensed premises is a restaurant operated by an accredited hospitality management program primarily for educational purposes.
- (2) The person is a student enrolled in a:
 - (A) state educational institution; and
 - (B) course offered by the accredited hospitality management program.
- (3) The licensed premises, state educational institution, or



accredited hospitality management program does not pay the person to work at the licensed premises.

(4) The person works under the supervision of an instructor employed by the state educational institution.

(b) This section does not permit a person to work as a bartender.

SECTION 3. IC 7.1-5-6-3, AS AMENDED BY P.L.159-2014, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 3. (a) It is unlawful for a person to act as a clerk in a package liquor store, or as a bartender, waiter, waitress, or manager for a retailer permittee unless that person has applied for and been issued the appropriate permit. This section does not apply to dining car or boat employees, **to a person described in IC 7.1-3-1.7**, or to a person described in IC 7.1-3-18-9(d). A person who knowingly or intentionally violates this subsection commits a Class B misdemeanor.

(b) It is a defense to a charge under this section if, not later than thirty (30) days after being cited by the commission, the person who was cited produces evidence that the appropriate permit was issued by the commission on the date of the citation.

(c) It is a defense to a charge under this section for a new applicant for a permit if, not later than thirty (30) days after being cited by the commission, the new applicant who was cited produces a receipt for a cashier's check or money order showing that an application for the appropriate permit was applied for on the date of the citation.

SECTION 4. IC 20-20-40-11, AS AMENDED BY P.L.227-2017, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 11. (a) The commission on seclusion and restraint in schools is established.

(b) The commission has the following ten (10) members:

- (1) The designee of the state superintendent, who serves at the pleasure of the state superintendent.
- (2) A representative of the Autism Society of Indiana, chosen by the organization, who serves a two (2) year term.
- (3) A representative of the Arc of Indiana, chosen by the organization, who serves a two (2) year term.
- (4) A representative of the Indiana Council of Administrators of Special Education, chosen by the organization, who serves a two (2) year term.
- (5) A representative of Mental Health America of Indiana, chosen by the organization, who serves a two (2) year term.
- (6) A parent of a student with a disability, nominated by a



member described in subdivisions ~~(1) through (2), (3), and (5)~~ and approved by a majority of the members described in subdivisions (1) through (5) **and (8) through (10)**, who serves a two (2) year term.

(7) A parent of a student who does not have a disability, nominated by a member described in subdivisions ~~(1) through (2), (3), and (5)~~ and approved by a majority of the members described in subdivisions (1) through (5) **and (8) through (10)**, who serves a two (2) year term.

(8) One (1) accredited nonpublic school administrator nominated by the Indiana Non-public Education Association, who serves a two (2) year term.

(9) One (1) public school superintendent nominated by the Indiana Association of Public School Superintendents, who serves a two (2) year term.

(10) One (1) member of the Indiana School Resource Officers Association chosen by the organization, who serves a two (2) year term.

(c) Each member of the commission who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). A member who is not a state employee is also entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

SECTION 5. IC 20-21-2-6, AS AMENDED BY P.L.99-2007, SECTION 163, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 6. Subject to:

(1) ~~the determination by case conference committees based on a student's:~~

(A) individualized education ~~programs; and program;~~

(B) service plan developed under 511 IAC 7-34; or

(C) choice scholarship education plan developed under 511 IAC 7-49; and

(2) the school's admissions criteria adopted by the board under IC 20-21-3-10(a)(4);

the executive shall receive as ~~students~~ **a student** in the school ~~an Indiana residents~~ **resident** who ~~are~~ **is** a school age ~~individuals~~ **individual** with a visual disability.

SECTION 6. IC 20-22-2-6, AS AMENDED BY P.L.99-2007, SECTION 166, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 6. Subject to:



(1) ~~the determination by case conference committees based on a student's:~~

- (A) ~~individualized education programs; and program;~~
- (B) ~~service plan developed under 511 IAC 7-34; or~~
- (C) ~~choice scholarship education plan developed under 511 IAC 7-49; and~~

(2) the school's admissions criteria adopted by the board under IC 20-22-3-10(a)(4);

the executive shall receive as ~~students~~ **a student** in the school ~~an Indiana residents resident~~ who ~~are~~ **is** a school age ~~individuals~~ **individual** with a hearing disability.

SECTION 7. IC 20-24-2.2-1, AS AMENDED BY P.L.250-2017, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1. The department and each authorizer shall establish a charter school page on the department's and the authorizer's Internet web site that includes information on the following:

- (1) The authorizer's processes for the following:
 - (A) Monitoring approved schools at regular intervals.
 - (B) Establishing minimum standards for renewing a charter or not renewing a charter.
 - (C) Processes and standards for school closure, including the transfer of all ~~charter school records, including~~ student **education** records (as defined in IC 20-24-9-4.5) to the ~~department, as provided in IC 20-24-9,~~ and of academic records to other schools and postsecondary educational institutions.
- (2) All pending applications for a charter.
- (3) All approved applications for a charter.
- (4) All rejected applications for a charter.
- (5) The authorizer's annual report as required under IC 20-24-9.

SECTION 8. IC 20-24-7-13, AS AMENDED BY P.L.217-2017, SECTION 97, AND AS AMENDED BY P.L.250-2017, SECTION 21, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 13. (a) As used in this section, "virtual charter school" means any charter school, including a conversion charter school, ~~that provides for the delivery of more than fifty percent (50%) of instruction to students through:~~

- ~~(1) virtual distance learning;~~
- ~~(2) online technologies; or~~
- ~~(3) computer based instruction.~~

~~in which more than fifty percent (50%) of instruction is provided in an interactive learning environment created through technology in which~~



students are separated from their teacher by time or space, or both.

(b) A virtual charter school may apply for authorization with any statewide authorizer in accordance with the authorizer's guidelines.

(c) For *each* state fiscal ~~years beginning after June 30, 2013,~~ year, a virtual charter school is entitled to receive funding in a month from the state in an amount equal to the sum of:

(1) the product of:

(A) the number of students included in the virtual charter school's current ADM; multiplied by

(B) the result of:

(i) ninety percent (90%) of the school's foundation amount determined under ~~IC 20-43-5-4;~~ IC 20-43-3-8; divided by

(ii) twelve (12); plus

(2) the total of any:

(A) special education grants under IC 20-43-7;

(B) career and technical education grants under IC 20-43-8;

(C) honor grants under IC 20-43-10; and

(D) complexity grants under IC 20-43-13;

to which the virtual charter school is entitled for the month.

For *each* state fiscal ~~years beginning after June 30, 2013,~~ year, a virtual charter school is entitled to receive special education grants under IC 20-43-7 calculated in the same manner as special education grants are calculated for other school corporations.

(d) The state board shall adopt rules under IC 4-22-2 to govern the operation of virtual charter schools.

(e) The department, with the approval of the state board, shall before December 1 of each year submit an annual report to the budget committee concerning the program under this section.

(f) Each school year, at least sixty percent (60%) of the students who are enrolled in virtual charter schools under this section for the first time must have been included in the state's fall count of ADM conducted in the previous school year.

(g) *Each virtual charter school shall report annually to the department concerning the following, on a schedule determined by the department:*

(1) *Classroom size.*

(2) *The ratio of teachers per classroom.*

(3) *The number of student-teacher meetings conducted in person or by video conference.*

(4) *Any other information determined by the department.*

The department shall provide this information annually to the state board of education and the legislative council in an electronic format



under IC 5-14-6.

~~(g)~~ **(h)** *A virtual charter school shall adopt a student engagement policy. A student who regularly fails to participate in courses may be withdrawn from enrollment under policies adopted by the virtual charter school. The policies adopted by the virtual charter school must ensure that:*

- (1) adequate notice of the withdrawal is provided to the parent and the student; and*
- (2) an opportunity is provided, before the withdrawal of the student by the virtual charter school, for the student or the parent to demonstrate that failure to participate in the course is due to an event that would be considered an excused absence under IC 20-33-2.*

(i) A student who is withdrawn from enrollment for failure to participate in courses pursuant to the school's student engagement policy may not reenroll in that same virtual charter school for the school year in which the student is withdrawn.

~~(h)~~ **(j)** *An authorizer shall review and monitor whether a virtual charter school that is authorized by the authorizer complies with the requirements described in subsection ~~(g)~~: (h) or (i).*

SECTION 9. IC 20-24-9-4.5, AS AMENDED BY P.L.250-2017, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 4.5. **(a) As used in this section, "education records" has the meaning set forth in 20 U.S.C. 1232g(a)(4), as in effect January 1, 2018.**

~~(a)~~ **(b)** Before any charter school closure decision, an authorizer shall develop a charter school closure protocol to ensure:

- (1) timely notification to parents; and**
- (2) orderly transition of each student's education records in accordance with subsection (d);**

and proper disposition of school funds, property, and assets.

- ~~(1) all charter school records, including student records to the department; and~~
- ~~(2) students and student records to new schools;~~

~~and proper disposition of school funds, property, and assets.~~

~~(b)~~ **(c)** If a charter school closes for any reason, the authorizer shall oversee and work with the closing charter school to ensure a smooth and orderly closure and transition for students and parents, as guided by the closure protocol.

(d) A charter school closure protocol developed under subsection (b) must include the following:

- (1) A written notice sent to a student's parent regarding the**



closure of the charter school and the charter school's procedure for the transfer of the student's education records.

(2) A requirement that the written notice sent to a student's parent under subdivision (1) must include the following:

(A) A statement requiring that not later than thirty (30) days after the date the parent receives the written notice, the parent must inform the charter school of which school the parent plans to enroll the student in.

(B) A statement indicating that if a parent does not know which school the parent plans to enroll the student in within the period described in clause (A), the parent consents to the charter school's transfer of the student's education records to the student's school of legal settlement.

(e) If the parent responds to the notice under subsection (d) and indicates the school in which the parent plans to enroll the student, a charter school shall transfer the student's education records to the new school in which the parent plans to enroll the student.

SECTION 10. IC 20-24-9-4.6 IS REPEALED [EFFECTIVE JULY 1, 2018]. Sec. 4.6: In addition to the transfer of student records to new schools as described in section 4.5(a)(2) of this chapter, if a charter school closes for any reason, the organizer shall ensure the transfer of all charter school records, including student records, to the department.

SECTION 11. IC 20-28-9-1.5, AS AMENDED BY P.L.228-2017, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1.5. (a) This subsection governs salary increases for a teacher employed by a school corporation. Compensation attributable to additional degrees or graduate credits earned before the effective date of a local compensation plan created under this chapter before July 1, 2015, shall continue for school years beginning after June 30, 2015. Compensation attributable to additional degrees for which a teacher has started course work before July 1, 2011, and completed course work before September 2, 2014, shall also continue for school years beginning after June 30, 2015. For school years beginning after June 30, 2015, a school corporation may provide a supplemental payment to a teacher in excess of the salary specified in the school corporation's compensation plan if the teacher teaches an advanced placement course, **a Cambridge International course**, or has earned a master's degree from an accredited postsecondary educational institution in a content area directly related to the subject matter of:

(1) a dual credit course; or



(2) another course; taught by the teacher. In addition, a supplemental payment may be made to an elementary school teacher who earns a master's degree in math or reading and literacy. A supplement provided under this subsection is not subject to collective bargaining, but a discussion of the supplement must be held. Such a supplement is in addition to any increase permitted under subsection (b).

(b) Increases or increments in a local salary range must be based upon a combination of the following factors:

(1) A combination of the following factors taken together may account for not more than thirty-three and one-third percent (33.33%) of the calculation used to determine a teacher's increase or increment:

(A) The number of years of a teacher's experience.

(B) The possession of either:

(i) additional content area degrees beyond the requirements for employment; or

(ii) additional content area degrees and credit hours beyond the requirements for employment, if required under an agreement bargained under IC 20-29.

(2) The results of an evaluation conducted under IC 20-28-11.5.

(3) The assignment of instructional leadership roles, including the responsibility for conducting evaluations under IC 20-28-11.5.

(4) The academic needs of students in the school corporation.

(c) Except as provided in subsection (d), a teacher rated ineffective or improvement necessary under IC 20-28-11.5 may not receive any raise or increment for the following year if the teacher's employment contract is continued. The amount that would otherwise have been allocated for the salary increase of teachers rated ineffective or improvement necessary shall be allocated for compensation of all teachers rated effective and highly effective based on the criteria in subsection (b).

(d) Subsection (c) does not apply to a teacher in the first two (2) full school years that the teacher provides instruction to students in elementary school or high school. If a teacher provides instruction to students in elementary school or high school in another state, any full school year, or its equivalent in the other state, that the teacher provides instruction counts toward the two (2) full school years under this subsection.

(e) A teacher who does not receive a raise or increment under subsection (c) may file a request with the superintendent or superintendent's designee not later than five (5) days after receiving



notice that the teacher received a rating of ineffective. The teacher is entitled to a private conference with the superintendent or superintendent's designee.

(f) The Indiana education employment relations board established in IC 20-29-3-1 shall publish a model compensation plan with a model salary range that a school corporation may adopt.

(g) Each school corporation shall submit its local compensation plan to the Indiana education employment relations board. For a school year beginning after June 30, 2015, a local compensation plan must specify the range for teacher salaries. The Indiana education employment relations board shall publish the local compensation plans on the Indiana education employment relations board's Internet web site.

(h) The Indiana education employment relations board shall review a compensation plan for compliance with this section as part of its review under IC 20-29-6-6.1. The Indiana education employment relations board has jurisdiction to determine compliance of a compensation plan submitted under this section.

(i) This chapter may not be construed to require or allow a school corporation to decrease the salary of any teacher below the salary the teacher was earning on or before July 1, 2015, if that decrease would be made solely to conform to the new compensation plan.

(j) After June 30, 2011, all rights, duties, or obligations established under IC 20-28-9-1 before its repeal are considered rights, duties, or obligations under this section.

SECTION 12. IC 20-30-4-2, AS AMENDED BY P.L.242-2017, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 2. In consultation with the student's school counselor, after seeking consultation with each student's parents, and not later than the date on which the student completes grade 9, each student shall further develop the graduation plan developed in grade 6 under section 1.5 of this chapter to also include the following:

- (1) The subject and skill areas of interest to the student.
- (2) A program of study under the college/technology preparation curriculum adopted by the state board under IC 20-30-10-2 for grades 10, 11, and 12 that meets the interests and aptitude of the student.
- (3) Assurances that, upon satisfactory fulfillment of the plan, the student:
 - (A) is entitled to graduate; and
 - (B) will have taken at least the minimum variety and number of courses necessary to gain admittance to a state educational institution.



(4) An indication of assessments (other than the statewide assessment program and the graduation examination (before July 1, 2018)) that the student plans to take voluntarily during grade 10 through grade 12 and which may include any of the following:

- (A) The SAT Reasoning Test.
- (B) The ACT test.
- (C) Advanced placement exams.
- (D) College readiness exams approved by the department.
- (E) Workforce readiness exams approved by the department of workforce development established under IC 22-4.1-2.

(F) Cambridge International examinations.

(5) An indication of the graduation pathway requirement (after June 30, 2018) that the student plans to take.

SECTION 13. IC 20-30-6.1-2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 2. Each school corporation may include cursive writing in the school corporation's curriculum.**

SECTION 14. IC 20-30-10-4, AS AMENDED BY P.L.49-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 4. Each high school must provide at least two (2) of each of the following course offerings:**

- (1) Dual credit.
- (2) Advanced placement.

However, a high school may provide at least two (2) Cambridge International courses to meet the requirements of this section.

SECTION 15. IC 20-30-10-5, AS ADDED BY P.L.46-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 5. Notwithstanding any other law, a high school may replace high school courses on the high school transcript with dual credit courses (as defined in IC 21-43-1-2.5), Cambridge International courses, or advanced placement courses on the same subject matter with equal or greater rigor to the required high school course and may count such a course as satisfying academic honors or another special diploma requirement. A dual credit course must be authorized by an eligible institution (as described in IC 21-43-4-3.5) that is a member of a national dual credit accreditation organization, or the eligible institution must make assurances that the final assessment for the course given for dual credit under this section is substantially equivalent to the final assessment given in the college course in that subject.**

SECTION 16. IC 20-33-3-10, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JULY 1, 2018]: Sec. 10. (a) **Except as provided in subsection (b)**, an issuing officer may issue an employment certificate only to a child whose employment is necessary and only after receipt of the following two (2) documents:

- (1) Proof of age as set forth under section 11 of this chapter.
- (2) Proof of prospective employment as set forth under section 12 of this chapter.

(b) This subsection applies to a student who attends a nonaccredited nonpublic school. An issuing officer shall issue an employment certificate only after receipt of the following two (2) documents:

- (1) Proof of age as set forth under section 11 of this chapter.**
- (2) Proof of prospective employment as set forth under section 12 of this chapter.**

~~(b)~~ (c) A child seeking an employment certificate from a school the child does not attend must also present to the issuing officer a written statement that:

- (1) is from the school the child does attend, **or, in the case of a student who attends a nonaccredited nonpublic school, is from the student's parent and attests that the student is enrolled in school;** and
- (2) attests to the child's acceptable academic performance and attendance.

(d) A written statement submitted under subsection (c)(1) by a parent of a student who attends a nonaccredited nonpublic school may be submitted to the issuing officer via facsimile or electronic mail.

SECTION 17. IC 20-33-3-22, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 22. The following apply only to a child who is at least fourteen (14) years of age and less than sixteen (16) years of age:

- (1) The child may not work before 7 a.m. or after 7 p.m. **on a day that precedes a school day or after 10 p.m. on a day that does not precede a school day.** ~~However, the child may work until 9 p.m. from June 1 through Labor Day.~~
- (2) The child may not work:
 - (A) more than three (3) hours on a school day **other than a Friday;**
 - (B) more than eighteen (18) hours in a school week;
 - (C) more than eight (8) hours on a nonschool day; or
 - (D) more than forty (40) hours in a nonschool week.

SECTION 18. IC 20-36-5-1, AS AMENDED BY P.L.2-2007,



SECTION 238, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1. A student shall receive credits toward graduation or an academic honors diploma by demonstrating the student's proficiency in a course or subject area required for graduation or the academic honors diploma, whether or not the student has completed course work in the subject area, by any one (1) or more of the following methods:

- (1) Receiving a score that demonstrates proficiency on a standardized assessment of academic or subject area competence that is accepted by accredited postsecondary educational institutions.
- (2) Receiving a high proficiency level score on an end of course assessment for a course without taking the course.
- (3) Successfully completing a similar course at an eligible institution under the postsecondary enrollment program under IC 21-43-4.
- (4) Receiving a score of three (3), four (4), or five (5) on an advanced placement examination for a course or subject area.
- (5) Receiving a score of E(e) or higher on a Cambridge International Advanced A or AS level examination for a course or subject area.**
- ~~(5)~~ **(6) Other methods approved by the state board.**

SECTION 19. IC 20-36-6 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]:

Chapter 6. Cambridge International Courses

Sec. 1. As used in this chapter, "Cambridge International course" refers to a course from the Cambridge Assessment International Education program.

Sec. 2. As used in this chapter, "Cambridge International examination" refers to a Cambridge International examination sponsored by the Cambridge Assessment International Education program.

Sec. 3. (a) Each student who enrolls in a Cambridge International course may take the accompanying Cambridge International examination to receive high school credit for the Cambridge International course.

(b) The department and the state board must provide that a successfully completed Cambridge International course is credited toward fulfilling the requirements of an Indiana diploma with a Core 40 with academic honors designation.

SECTION 20. IC 20-38-3-5, AS ADDED BY P.L.21-2009,



SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 5. ARTICLE V. PLACEMENT AND ATTENDANCE

A. When a student transfers before or during a school year, the receiving state school initially shall honor placement of the student in educational courses based on the student's enrollment in the sending state school, on educational assessments conducted at the school in the sending state if the courses are offered, or on both the enrollment and assessments. Course placement includes honors, **Cambridge International**, international baccalaureate, advanced placement, vocational, technical, and career pathways courses. Continuing the student's academic program from the previous school and promoting placement in academically and career challenging courses are paramount when considering placement. The school in the receiving state may perform subsequent evaluations to ensure appropriate placement and continued enrollment of the student in the courses.

B. The receiving state school initially shall honor placement of a student in educational programs based on current educational assessments conducted at the school in the sending state or by participation or placement in similar programs in the sending state. Similar programs include gifted and talented programs and English as a second language programs. A school in a receiving state may perform subsequent evaluations to ensure appropriate placement of a student.

C. In compliance with the federal requirements of the Individuals with Disabilities Education Act, 20 U.S.C. 1400 et seq., the receiving state shall initially provide comparable services to a student with disabilities based on the student's current individualized education program.

D. In compliance with the requirements of Section 504 of the Rehabilitation Act, 29 U.S.C. 794, and with Title II of the Americans with Disabilities Act, 42 U.S.C. 12131 through 12165, the receiving state shall make reasonable accommodations and modifications to address the needs of incoming students with disabilities, subject to an existing 504 Plan or Title II Plan, to provide the student with equal access to education. A school in a receiving state may perform subsequent evaluations to ensure appropriate placement of a student.

E. Local education agency administrative officials have flexibility in waiving course or program prerequisites or other preconditions for placement in courses or programs offered under the jurisdiction of the local education agency.

F. A student whose parent or legal guardian is an active duty member of the uniformed services and has been called to duty for, is on



leave from, or has immediately returned from deployment to a combat zone or combat support posting, shall be granted additional excused absences at the discretion of the local education agency superintendent to visit with the parent or legal guardian before the leave or deployment.

SECTION 21. IC 21-12-1.7-3, AS AMENDED BY P.L.165-2016, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 3. (a) This section applies to an academic year beginning after August 31, 2014. The commission shall publish annually a schedule of award amounts for the higher education award and freedom of choice grant issued under this article. The schedule must provide award amounts on the basis of the recipient's expected family contribution. The expected family contribution shall be derived from information submitted on the recipient's financial aid application form. The commission shall determine award amounts separately for:

- (1) recipients attending approved public state educational institutions (except Ivy Tech Community College);
- (2) Ivy Tech Community College;
- (3) recipients attending a nonprofit college or university listed in IC 21-7-13-6(a)(1)(C); and
- (4) recipients attending approved postsecondary credit bearing proprietary institutions.

(b) This subsection expires June 30, 2017. The schedule of award amounts published under subsection (a) shall offer a larger award to a recipient who, as of the student's most recently concluded academic year, has successfully completed:

- (1) at least thirty (30) credit hours or the equivalent by the end of the student's first academic year;
- (2) at least sixty (60) credit hours or the equivalent by the end of the student's second academic year; or
- (3) at least ninety (90) credit hours or the equivalent by the end of the student's third academic year.

A student's academic years used to determine if the student meets the requirements of this subdivision are not required to be successive calendar years.

(c) This subsection applies to an academic year beginning after August 31, 2017. The schedule of award amounts published under subsection (a) must offer a larger award to first time and prior recipients who successfully completed:

- (1) at least thirty (30) credit hours or the equivalent during the last academic year in which the student received state financial aid;
- or



(2) at least thirty (30) credit hours or the equivalent during the last academic year in which the student was enrolled in a postsecondary educational institution.

(d) In determining eligibility under subsection (c), the commission shall apply all the following types of credits regardless of whether the credits were completed during the last academic year described in subsection (c)(1) or (c)(2):

(1) Credits earned from dual credit, advanced placement, **Cambridge International**, and international baccalaureate courses.

(2) College credits earned during high school.

(3) Credits earned exceeding thirty (30) credit hours during a previous academic year in which a student received state financial aid.

(e) The schedule of award amounts shall set forth an amount for recipients described in subsection (a)(1) that is equal to fifty percent (50%) of the amount for recipients described in subsection (a)(3).

(f) This subsection expires September 1, 2016. A student that initially enrolls in an eligible institution for an academic year beginning before September 1, 2013, is eligible for the larger award determined under subsection (b) regardless of the student's credit completion.

SECTION 22. IC 21-12-3-9, AS AMENDED BY P.L.165-2016, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 9. (a) A higher education award for a student in a program leading to a baccalaureate degree may be renewed for a total of three (3) undergraduate academic years following the academic year of the first award or until an earlier time as the student receives a degree normally obtained in four (4) undergraduate academic years. A higher education award for a student in a program leading to a technical certificate or an undergraduate associate degree may be renewed for the number of academic years normally required to obtain a certificate or degree in the student's program. The commission may grant a renewal only upon application and only upon its finding that:

(1) the applicant has successfully completed the work of a preceding year;

(2) the applicant remains domiciled in Indiana;

(3) the recipient's financial situation continues to warrant an award, based on the financial requirements set forth in section (1)(a)(3) of this chapter;

(4) the applicant is eligible under section 2 of this chapter;

(5) the student maintains satisfactory academic progress, as determined by the eligible institution;



(6) beginning in an academic year beginning after August 31, 2017, the student successfully completes:

(A) at least twenty-four (24) credit hours or the equivalent during the last academic year in which the student received state financial aid; or

(B) at least twenty-four (24) credit hours or the equivalent during the last academic year in which the student was enrolled in a postsecondary educational institution; and

(7) if the student initially enrolls in an eligible institution for an academic year beginning after August 31, 2013, the student successfully completes:

(A) at least twenty-four (24) credit hours or the equivalent by the end of the student's first academic year;

(B) at least forty-eight (48) credit hours or the equivalent by the end of the student's second academic year; and

(C) at least seventy-two (72) credit hours or the equivalent by the end of the student's third academic year.

A student's academic years used to determine if the student meets the requirements of this subdivision are not required to be successive calendar years. A recipient who fails to meet the credit hour requirement for a particular academic year becomes ineligible for an award during the next academic year. The recipient may regain eligibility for an award in subsequent academic years if the recipient meets the aggregate credit hour requirements commensurate with the recipient's academic standing. In addition, the commission may allow a student who is otherwise ineligible under this subdivision for an award during the next academic year to maintain eligibility for an award if the student submits a petition to the commission and the commission makes a determination that extenuating circumstances (as determined by the commission) prevented the student from meeting the requirements of this subdivision. This subdivision expires June 30, 2017.

(b) In determining eligibility under subsection (a)(6), the commission shall apply all the following types of credits regardless of whether the credits were completed during the last academic year described in subsection (a)(6)(A) or (a)(6)(B):

(1) Credits earned from dual credit, advanced placement, **Cambridge International**, and international baccalaureate courses.

(2) College credits earned during high school.

(3) Credits earned exceeding thirty (30) credit hours during a



previous academic year in which a student received state financial aid.

SECTION 23. IC 21-12-6-7, AS AMENDED BY P.L.165-2016, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 7. (a) Subject to IC 21-12-13-2, a scholarship awarded under section 6 of this chapter or this section may be renewed. To qualify for a scholarship renewal, a scholarship recipient must do the following:

(1) Submit to the commission a renewal application that contains all the information and evidence required by the commission to determine eligibility for the scholarship renewal.

(2) Continue to be enrolled as a full-time student in good standing at an eligible institution.

(3) This subdivision applies only to applicants who initially enroll in the program under section 5 of this chapter or IC 21-12-6.5-2 after June 30, 2011. For purposes of this chapter, applicants who are enrolled in the program before July 1, 2011, will not have an income or financial resources test applied to them when they subsequently apply to renew a scholarship. Continue to have a lack of financial resources reasonably available to the applicant, as defined by the commission, that, in the absence of an award under this chapter, would deter the scholarship applicant from completing the applicant's education at the approved postsecondary educational institution that the applicant has selected and that has accepted the applicant.

(4) Maintain satisfactory academic progress, as determined by the eligible institution.

(5) If the student initially enrolls in an eligible institution for an academic year beginning after August 31, 2013, the student successfully completes:

(A) at least thirty (30) credit hours or the equivalent by the end of the student's first academic year;

(B) at least sixty (60) credit hours or the equivalent by the end of the student's second academic year; and

(C) at least ninety (90) credit hours or the equivalent by the end of the student's third academic year.

A student's academic years used to determine if the student meets the requirements of this subdivision are not required to be successive calendar years. A recipient who fails to meet the credit hour requirement for a particular academic year becomes ineligible for an award during the next academic year. The recipient may become eligible for an award in subsequent



academic years if that recipient meets the aggregate credit hour requirements commensurate with the recipient's academic standing. In addition, the commission may allow a student who is otherwise ineligible under this subdivision for an award during the next academic year to maintain eligibility for an award if the student submits a petition to the commission and the commission makes a determination that extenuating circumstances (as determined by the commission) prevented the student from meeting the requirements of this subdivision. This subdivision expires June 30, 2017.

(6) Beginning in an academic year beginning after August 31, 2017, the student successfully completes:

(A) at least thirty (30) credit hours or the equivalent during the last academic year in which the student received state financial aid; or

(B) at least thirty (30) credit hours or the equivalent during the last academic year in which the student was enrolled in postsecondary education.

(7) Continue to meet any other minimum criteria established by the commission.

(b) In determining eligibility under subsection (a)(6), the commission shall apply all the following types of credits regardless of whether the credits were completed during the last academic year described in subsection (a)(6)(A) or (a)(6)(B):

(1) Credits earned from dual credit, advanced placement, **Cambridge International**, and international baccalaureate courses.

(2) College credits earned during high school.

(3) Credits earned exceeding thirty (30) credit hours during a previous academic year in which a student received state financial aid.

(c) The commission may allow a student who is otherwise ineligible under subsection (a)(6) for an award during the next academic year to maintain eligibility for an award if the student submits a petition to the commission and the commission makes a determination that extenuating circumstances (as determined by the commission) prevented the student from meeting the requirements under subsection (a)(6).

SECTION 24. IC 22-4.1-25-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 1.5. As used in this chapter, "school" includes a public school, a charter school, an accredited**



nonpublic school, and a nonaccredited nonpublic school.

SECTION 25. IC 34-13-3.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]:

Chapter 3.5. Claims Against Public Schools

Sec. 1. (a) This chapter applies only to an action brought against a public school under the laws of:

- (1) the United States; or**
- (2) Indiana.**

(b) This chapter does not apply to a civil action or administrative proceeding under IC 20-28 or IC 20-29.

Sec. 2. This chapter may not be construed to restrict or limit the rights, procedures, or remedies available to an individual or entity under:

- (1) the federal or state Constitution; or**
- (2) another federal law.**

Sec. 3. As used in this chapter, "public school" refers to a:

- (1) school corporation (as defined in IC 20-18-2-16(a)); or**
- (2) charter school (as defined in IC 20-24-1-4).**

Sec. 4. An individual or entity may not initiate a civil action or an administrative proceeding against a public school, unless the individual or entity submits a written notice to the public school and the governing body or the equivalent authority for a charter school that notifies the public school and the governing body or the equivalent authority for a charter school of the alleged violation of law and indicates a proposed remedy.

Sec. 5. A proposed remedy that is offered under section 4 of this chapter must meet the following conditions:

- (1) Provide the public school with a specific request for relief.**
- (2) Allow the public school to offer the individual or entity the relief requested in the written notice submitted under section 4 of this chapter before the individual or entity initiates a civil action or administrative proceeding against the public school.**

Sec. 6. Not later than fifteen (15) days after the individual or entity submits the notice described in section 4 of this chapter to the public school, the public school may do the following:

- (1) Remedy the alleged violation or violations.**
- (2) Make a written offer to the individual or entity to resolve the dispute.**

Sec. 7. If an individual or entity does not submit the notice described in section 4 of this chapter to a public school before initiating a civil action or an administrative proceeding, a court,



administrative law judge, or hearing officer shall dismiss the action without prejudice.

SECTION 26. [EFFECTIVE UPON PASSAGE] (a) The definitions in IC 20 apply throughout this SECTION.

(b) The legislative council is urged to assign to an appropriate interim study committee the task of studying the impact of the following on school corporations and charter schools:

(1) The amount of litigation, including administrative proceedings, initiated against a school corporation or charter school.

(2) The cost to a school corporation or charter school to defend against litigation described in subdivision (1).

(3) Ways to promote settlement before a dispute involves litigation described in subdivision (1).

(4) The use of fee shifting provisions by school corporations and charter schools as a means to deter litigation.

(c) This SECTION expires July 1, 2019.

SECTION 27. 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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