



February 3, 2023

SENATE BILL No. 380

DIGEST OF SB 380 (Updated February 1, 2023 5:30 pm - DI 147)

Citations Affected: IC 20-26; IC 20-32; IC 20-33.

Synopsis: Various education matters. Requires each school corporation to publish on the school corporation's website the graduation rate for each high school in the school corporation. Amends the definition of "graduation" for purposes of the high school graduation rate determination. Amends the graduation rate calculation. Removes a provision that provides that not more than 1% of students of a cohort may receive the alterative diploma established by the state board of education. Allows a school corporation to adopt a policy concerning dress code or distractive behavior.

Effective: July 1, 2023.

Raatz

January 19, 2023, read first time and referred to Committee on Education and Career Development.
February 2, 2023, amended, reported favorably — Do Pass.

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February 3, 2023

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.

SENATE BILL No. 380

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 20-26-5-43 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2023]: **Sec. 43. Each school corporation shall publish on the**
4 **school corporation's website the graduation rate for each high**
5 **school in the school corporation.**
6 SECTION 2. IC 20-26-13-5, AS AMENDED BY P.L.192-2018,
7 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2023]: Sec. 5. (a) As used in this chapter, "graduation" means
9 the successful completion by a student of:
10 (1) a sufficient number of academic credits, or the equivalent of
11 academic credits; and
12 (2) the graduation examination (before July 1, 2022), a
13 postsecondary readiness competency established by the state
14 board under IC 20-32-4-1.5(c), or a waiver process required under
15 IC 20-32-3 through IC 20-32-5.1;
16 resulting in the awarding of an Indiana diploma **or an alternative**
17 **diploma described in IC 20-32-4-14.**

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1 (b) The term does not include the granting of a general educational
 2 development diploma under IC 20-20-6 (before its repeal) or
 3 IC 22-4.1-18.

4 SECTION 3. IC 20-26-13-10, AS AMENDED BY P.L.32-2021,
 5 SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2023]: Sec. 10. (a) Except as provided in section 11 of this
 7 chapter, the four (4) year graduation rate for a cohort in a high school
 8 is the percentage determined under STEP FIVE of the following
 9 formula:

10 STEP ONE: Determine the grade 9 enrollment at the beginning of
 11 the reporting year three (3) years before the reporting year for
 12 which the graduation rate is being determined.

13 STEP TWO: Add:

14 (A) the number determined under STEP ONE; and

15 (B) the number of students who:

16 (i) have enrolled in the high school after the date on which
 17 the number determined under STEP ONE was determined;
 18 and

19 (ii) have the same expected graduation year as the cohort.

20 STEP THREE: Subtract from the sum determined under STEP
 21 TWO the number of students who have left the cohort for any of
 22 the following reasons:

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

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

28 (C) Withdrawal because of a long term medical condition or
 29 death.

30 (D) Detention by a law enforcement agency or the department
 31 of correction.

32 (E) Placement by a court order or the department of child
 33 services.

34 (F) Enrollment in a virtual school.

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

38 (H) Leaving school, if the location of the student cannot be
 39 determined and the student has been reported to the Indiana
 40 clearinghouse for information on missing children and missing
 41 endangered adults.

42 (I) Withdrawing from school before graduation, if the student



- 1 is a high ability student (as defined in IC 20-36-1-3) who is a
 2 full-time student at an accredited institution of higher
 3 education during the semester in which the cohort graduates.
 4 (J) Withdrawing from school before graduation pursuant to
 5 providing notice of withdrawal under section 17 of this
 6 chapter.
 7 (K) Participating in the high school equivalency pilot program
 8 under IC 20-30-8.5, unless the student fails to successfully
 9 complete the high school equivalency pilot program in the two
 10 (2) year period. This clause expires June 30, 2024.
- 11 **STEP FOUR: Determine the result of:**
- 12 **(A) the total number of students determined under STEP TWO**
 13 **who have graduated during the current reporting year or a**
 14 **previous reporting year; minus**
- 15 **(B) the amount by which the number of students who**
 16 **graduated through a waiver process required under**
 17 **IC 20-32-3 through IC 20-32-5.1 exceeds:**
- 18 **(i) ten percent (10%) of the total number of students**
 19 **determined under clause (A) before July 1, 2027; or**
 20 **(ii) five percent (5%) of the total number of student**
 21 **determined under clause (A) after June 30, 2027.**
- 22 **STEP FIVE: Divide:**
- 23 **(A) the number determined under STEP FOUR; by**
 24 **(B) the remainder determined under STEP THREE.**
- 25 **(b) This subsection applies to a high school in which:**
- 26 **(1) for a:**
- 27 **(A) cohort of one hundred (100) students or less, at least ten**
 28 **percent (10%) of the students left a particular cohort for a**
 29 **reason described in subsection (a) STEP THREE clause (B);**
 30 **or**
 31 **(B) cohort of more than one hundred (100) students, at least**
 32 **five percent (5%) of the students left a particular cohort for a**
 33 **reason described in subsection (a) STEP THREE clause (B);**
 34 **and**
- 35 **(2) the students described in subdivision (1)(A) or (1)(B) are not**
 36 **on track to graduate with their cohort.**
- 37 A high school must submit a request to the state board in a manner
 38 prescribed by the state board requesting that the students described in
 39 this subsection be included in the subsection (a) STEP THREE
 40 calculation. The state board shall review the request and may grant or
 41 deny the request. The state board shall deny the request unless the high
 42 school demonstrates good cause to justify that the students described



1 in this subsection should be included in the subsection (a) STEP
 2 THREE calculation. If the state board denies the request the high
 3 school may not subtract the students described in this subsection under
 4 subsection (a) STEP THREE.

5 SECTION 4. IC 20-32-4-14, AS AMENDED BY P.L.113-2021,
 6 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2023]: Sec. 14. (a) The state board shall create an alternate
 8 diploma for students with significant cognitive disabilities. The
 9 diploma must be:

10 (1) standards-based; and

11 (2) aligned with Indiana's requirements for an Indiana diploma.

12 ~~(b) Not more than one percent (1%) of students of a cohort may~~
 13 ~~receive the alternate diploma established by the state board under~~
 14 ~~subsection (a):~~

15 ~~(c)~~ (b) The alternate diploma must comply with the federal Every
 16 Student Succeeds Act (ESSA) (20 U.S.C. 6311).

17 ~~(d)~~ (c) Not later than December 1, 2021, the state board shall adopt
 18 rules under IC 4-22-2 that are necessary to carry out this section.

19 SECTION 5. IC 20-33-8-8, AS AMENDED BY P.L.121-2009,
 20 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2023]: Sec. 8. (a) Student supervision and the desirable
 22 behavior of students in carrying out school purposes is the
 23 responsibility of:

24 (1) a school corporation; and

25 (2) the students of a school corporation.

26 (b) In all matters relating to the discipline and conduct of students,
 27 school corporation personnel:

28 (1) stand in the relation of parents to the students of the school
 29 corporation;

30 (2) have the right to take any disciplinary action necessary to
 31 promote student conduct that conforms with an orderly and
 32 effective educational system, subject to this chapter; and

33 (3) have qualified immunity with respect to a disciplinary action
 34 taken to promote student conduct under subdivision (2) if the
 35 action is taken in good faith and is reasonable.

36 (c) Students must:

37 (1) follow responsible directions of school personnel in all
 38 educational settings; and

39 (2) refrain from disruptive behavior that interferes with the
 40 educational environment.

41 **(d) In accordance with subsection (b), a school corporation may**



1 **adopt a policy concerning student dress code or distractive**
2 **behavior.**



COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill No. 380, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, delete lines 1 through 14, begin a new paragraph and insert:

"SECTION 1. IC 20-26-5-43 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2023]: **Sec. 43. Each school corporation shall publish on the school corporation's website the graduation rate for each high school in the school corporation.**

SECTION 2. IC 20-26-13-5, AS AMENDED BY P.L.192-2018, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 5. (a) As used in this chapter, "graduation" means the successful completion by a student of:

- (1) a sufficient number of academic credits, or the equivalent of academic credits; and
- (2) the graduation examination (before July 1, 2022), a postsecondary readiness competency established by the state board under IC 20-32-4-1.5(c), or a waiver process required under IC 20-32-3 through IC 20-32-5.1;

resulting in the awarding of an Indiana diploma **or an alternative diploma described in IC 20-32-4-14.**

(b) The term does not include the granting of a general educational development diploma under IC 20-20-6 (before its repeal) or IC 22-4.1-18.

SECTION 3. IC 20-26-13-10, AS AMENDED BY P.L.32-2021, SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 10. (a) Except as provided in section 11 of this chapter, the four (4) year graduation rate for a cohort in a high school is the percentage determined under STEP FIVE of the following formula:

STEP ONE: Determine the grade 9 enrollment at the beginning of the reporting year three (3) years before the reporting year for which the graduation rate is being determined.

STEP TWO: Add:

- (A) the number determined under STEP ONE; and
- (B) the number of students who:



(i) have enrolled in the high school after the date on which the number determined under STEP ONE was determined; and

(ii) have the same expected graduation year as the cohort.

STEP THREE: Subtract from the sum determined under STEP TWO the number of students who have left the cohort for any of the following reasons:

(A) Transfer to another public or nonpublic school.

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

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

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

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

(F) Enrollment in a virtual school.

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

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

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

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

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

STEP FOUR: Determine **the result of:**

(A) the total number of students determined under STEP TWO who have graduated during the current reporting year or a previous reporting year; **minus**



(B) the amount by which the number of students who graduated through a waiver process required under IC 20-32-3 through IC 20-32-5.1 exceeds:

- (i) ten percent (10%) of the total number of students determined under clause (A) before July 1, 2027; or**
- (ii) five percent (5%) of the total number of student determined under clause (A) after June 30, 2027.**

STEP FIVE: Divide:

- (A) the number determined under STEP FOUR; by
 - (B) the remainder determined under STEP THREE.
- (b) This subsection applies to a high school in which:
- (1) for a:
 - (A) cohort of one hundred (100) students or less, at least ten percent (10%) of the students left a particular cohort for a reason described in subsection (a) STEP THREE clause (B); or
 - (B) cohort of more than one hundred (100) students, at least five percent (5%) of the students left a particular cohort for a reason described in subsection (a) STEP THREE clause (B); and
 - (2) the students described in subdivision (1)(A) or (1)(B) are not on track to graduate with their cohort.

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

SECTION 4. IC 20-32-4-14, AS AMENDED BY P.L.113-2021, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: 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):

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(e) (b) The alternate diploma must comply with the federal Every Student Succeeds Act (ESSA) (20 U.S.C. 6311).

(d) (c) 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."

Page 2, line 21, delete "disruptive" and insert "**distractive**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 380 as introduced.)

RAATZ, Chairperson

Committee Vote: Yeas 9, Nays 4.

