



# INDIANA STATE BOARD OF EDUCATION

**To:** Indiana State Board of Education  
**From:** Timothy Schultz, General Counsel  
**Date:** March 7, 2018  
**RE:** Dropout Recovery Educational Services

---

## MEMORANDUM

**Update: proposed draft language to implement IC 20-31-8-4.6.**

After reviewing the relevant State and federal law, both attached, staff for the Indiana State Board of Education (“Board”) have prepared the following proposed language for the Board’s consideration and discussion.

---

**TITLE 511 INDIANA STATE BOARD OF EDUCATION**

**Proposed Rule  
LSA Document  
#18-XXX**

**DIGEST**

Amends 511 IAC to account for IC 20-31-8-4.6 (Certain at-risk students not included in the calculation of school performance). Effective 30 days after filing with the Publisher.

**511 IAC 6.2-12**

SECTION 1. 511 IAC 6.2-12 IS ADDED TO READ AS FOLLOWS:

**511 IAC 6.2-12-1 Definitions**

**Authority:** IC 20-19-2-8; IC 20-31-8-4.6; IC 20-31-10-1; IC 20-43-1-7.5; IC 20-43-1-11.5; IC 20-18-2-16; IC 20-24-1-4; IC-20-18-2-15

**Affected:** IC 20-31-8; 20-19-2-10

Sec. 1. (a) The following definitions apply throughout this rule:

- (1) "Contract" refers to a written agreement between a school corporation or charter school and an eligible school to provide dropout recovery education services to at-risk students; such contracts must contain, at a minimum, the following:
  - (A) A list of services that the eligible school will provide students that attend the dropout recovery educational services while maintaining enrollment at the school corporation or charter school;
  - (B) The school corporation and/or individual school responsibilities;
  - (C) The eligible school's responsibilities;
  - (D) Joint school corporation, individual school, and eligible school responsibilities;
  - (E) The registration rate, fee, and/or payment process that an eligible school will charge a school corporation or charter school to provide dropout recovery education services to at-risk students; and
  - (F) Any other provisions that a school corporation, charter school, or an eligible school believes are necessary and proper.
- (2) "Attend" means the physical presence of a student at an eligible school, which has entered into a contract with a school corporation or charter school pursuant to IC 20-31-8-4.6(a), with the expectation of receiving dropout recovery education services from the eligible school.
- (3) "Enrolled" refers to a student who remains registered with a school corporation or charter school while attending a dropout recovery education service program at an eligible school offered by way of a contract between a school corporation or charter school and an eligible school pursuant to IC 20-31-8-4.6(a).
- (4) The term "dropout recovery educational services" refers to any services provided by an eligible school, as defined in IC 20-51-1-4.7, which are directly related to ensuring a student satisfies the graduation requirements contained in IC 20-32-4.
- (5) The term "at-risk" refers to, but is not limited to, an individual who is at-risk of academic failure, has a history of a drug or alcohol problem, is pregnant or is a parent, has previously come into contact with the juvenile justice system, is at least 1 year behind the expected grade level for the age of the individual, is a migrant or an immigrant, has limited English proficiency, is a gang member, has dropped out of school (as defined in 511 IAC 6.1-1-2(h)), or satisfies the definition of chronic absenteeism as defined in IC 20-20-8-8.
- (6) "Public school" has the meaning set forth in IC 20-18-2-15.
- (7) "School corporation" has the meaning set forth in IC 20-18-2-16.
- (8) "Charter school" has the meaning set forth in IC 20-24-1-4.
- (9) "Eligible school" has the meaning set forth in IC 20-51-1-4.7.

**511 IAC 6.2-12-2 Certain at-risk students not included in the calculation of school performance**

**Authority: IC 20-19-2-8; IC 20-31-8-4.6; IC 20-31-10-1**

**Affected: IC 20-31-8; 20-19-2-10**

For purposes of calculating the State category or designation of school performance pursuant to IC 20-31-8, a public school or charter school in which an at-risk student is enrolled shall exclude performance indicators of the at-risk if:

- (1) A school corporation or charter school, in which the at-risk student is enrolled, has entered into a contract with an eligible school to provide dropout recovery educational services to at-risk students; and
- (2) The at-risk student attends an eligible school and receives dropout recovery educational services from that school for more than one half (1/2) of the school year.

**511 IAC 6.2-12-2 Graduation Rate Calculation**

**Authority: IC 20-19-2-8; IC 20-31-8-4.6; IC 20-31-10-1**

**Affected: IC 20-31-8; 20-19-2-10; IC 20-26-13**

For purposes of calculating the State graduation rate pursuant to IC 20-26-13, a public school or charter school in which an at-risk student is enrolled shall exclude at-risk students from the school's "cohort," as defined in IC 20-26-13-2, if:

- (1) A school corporation or charter school, in which the at-risk student is enrolled, has entered into a contract with an eligible school to provide dropout recovery educational services to at-risk students; and
- (2) The at-risk student attends an eligible school and receives dropout recovery educational services from that school for more than one half (1/2) of the school year.

**511 IAC 6.2-12-3 Reporting of At-Risk Student Data**

**Authority: IC 20-19-2-8; IC 20-31-8-4.6; IC 20-31-10-1**

**Affected: 20-19-2-10**

An eligible school providing dropout recovery educational services to at-risk students shall report at-risk student performance indicators, including graduation rate data for at-risk students, to the department of education and the school corporation or charter school in which the students are enrolled. The student performance indicators and graduation rate data shall be included in the data that the department of education issues in the state and local educational agency report cards pursuant to 20 U.S.C.A 6311(h).

any high school should be rewarded for enrolling credit deficient students or penalized for transferring out credit deficient students.

[Pre-2005 Elementary and Secondary Education Recodification Citation: 20-10.2-5-3.]

*As added by P.L.1-2005, SEC.15. Amended by P.L.286-2013, SEC.103; P.L.239-2015, SEC.12; P.L.251-2017, SEC.11.*

**IC 20-31-8-4 Placement of school in category or designation of school performance**

Sec. 4. (a) The state board shall place each school in a category or designation of school performance once annually based on the department's findings from the assessment of performance and academic growth under section 2 of this chapter.

(b) The state board may place a school in a category or designation of school performance only if:

(1) the department has provided each school the opportunity to review, add to, or supplement the data, and to correct any errors in the data; and

(2) the state board's staff has had an opportunity to review and analyze the school corporation, school, and student level data.

(c) The state board may obtain assistance from another entity or, with the approval of the legislative council, the legislative services agency, to ensure the validity and reliability of the performance category or designation placements calculated by the department under section 2 of this chapter. The department shall provide all the data necessary to complete those calculations to the legislative services agency or to an entity designated by the state board.

[Pre-2005 Elementary and Secondary Education Recodification Citation: 20-10.2-5-4.]

*As added by P.L.1-2005, SEC.15. Amended by P.L.286-2013, SEC.104; P.L.213-2015, SEC.197.*

**IC 20-31-8-4.5 Alternative assessment methodology for schools focused exclusively on students with developmental, intellectual, or behavioral challenges**

Sec. 4.5. In addition to other benchmarks, performance indicators, and accountability standards developed under this article, the state board shall develop alternative benchmarks, performance indicators, and accountability standards to be used in the assessment of schools that focus exclusively on providing an academic program for students with developmental, intellectual, or behavioral challenges.

*As added by P.L.205-2013, SEC.255.*

**IC 20-31-8-4.6 Certain at-risk students not included in the calculation of school performance**

Sec. 4.6. (a) If a school corporation or a charter school enters into an agreement with an eligible school (as defined in IC 20-51-1-4.7) to provide dropout recovery educational services for an at-risk student who is enrolled at a public school, the student may not be included in the calculation of the public school's category or designation of school performance.

(b) The state board shall adopt rules under IC 4-22-2 and any guidelines necessary to carry out this section.

*As added by P.L.217-2017, SEC.105.*

**IC 20-31-8-5 Repealed**

*As added by P.L.286-2013, SEC.105 and P.L.205-2013, SEC.256. Repealed by P.L.2-2014, SEC.85; P.L.2-2014, SEC.86.*

**IC 20-31-8-5.2 Alternative accountability system for adult high schools**

Sec. 5.2. (a) The state board shall establish an alternative accountability system to assess

**(E) Annual measurement of achievement**

(i) Annually measure the achievement of not less than 95 percent of all students, and 95 percent of all students in each subgroup of students, who are enrolled in public schools on the assessments described under subsection (b)(2)(v)(I).

(ii) For the purpose of measuring, calculating, and reporting on the indicator described in subparagraph (B)(i), include in the denominator the greater of--

(I) 95 percent of all such students, or 95 percent of all such students in the subgroup, as the case may be; or

(II) the number of students participating in the assessments.

(iii) Provide a clear and understandable explanation of how the State will factor the requirement of clause (i) of this subparagraph into the statewide accountability system.

**(F) Partial attendance**

(i) In the case of a student who has not attended the same school within a local educational agency for at least half of a school year, the performance of such student on the indicators described in clauses (i), (ii), (iv), and (v) of subparagraph (B)--

(I) may not be used in the system of meaningful differentiation of all public schools as described in subparagraph (C) for such school year; and

(II) shall be used for the purpose of reporting on the State and local educational agency report cards under subsection (h) for such school year.

(ii) In the case of a high school student who has not attended the same school within a local educational agency for at least half of a school year and has exited high school without a regular high school diploma and without transferring to another high school that grants a regular high school diploma during such school year, the local educational agency shall, in order to calculate the graduation rate pursuant to subparagraph (B)(ii), assign such student to the high school--

(I) at which such student was enrolled for the greatest proportion of school days while enrolled in grades 9 through 12; or

(II) in which the student was most recently enrolled.