

# INDIANA CODE AND RULES AFFECTING HIGH ABILITY STUDENT EDUCATION

## IC 20-36-1

### Article 36. High Ability Students

#### Chapter 1. Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

Sec. 2. "Domain" includes the following areas of aptitude and talent:

- (1) General intellectual.
- (2) General creative.
- (3) Specific academic.
- (4) Technical and practical arts.
- (5) Visual and performing arts.
- (6) Interpersonal.

Sec. 3. "High ability student" means a student who:

- (1) performs at or shows the potential for performing at an outstanding level of accomplishment in at least one (1) domain when compared with other students of the same age, experience, or environment; and
- (2) is characterized by exceptional gifts, talents, motivation, or interests.

Sec. 4. "Satisfactory score" means a score of 3, 4, or 5 on an advanced placement exam sponsored by the College Board's Advanced Placement Program.

## IC 20-36-2

### Chapter 2. Programs for High Ability Students

#### State resources program; grants for high ability programs

Sec. 1. (a) The department shall establish a state resources program using designated state resources that:

- (1) supports school corporations in the development of local programs for high ability students;
- (2) enables educational opportunities that encourage high ability students to reach the highest possible level at every stage of the students' development; and
- (3) provides state integrated services that include the following:
  - (A) Information and materials resource centers.
  - (B) Professional development plan and programs.
  - (C) Research and development services.
  - (D) Technical assistance that includes the following:

- (i) Student assessment.
- (ii) Program assessment.
- (iii) Program development and implementation.

(E) Support for educators pursuing professional development leading to endorsement or licensure in high ability education.

(b) In addition to the program established under subsection (a), the department shall use appropriations to provide grants to school corporations for expenditures beyond those for regular educational programs and specific to programs for high ability students under section 2 of this chapter in an amount determined by the department that is based upon a set minimum amount increased by an additional amount for each student in the program. A school corporation's program must align with the strategic and continuous school improvement and achievement plans under IC 20-31-5-4 for the schools within the school corporation. A school that receives a grant under this subsection shall submit an annual report to the department that includes the following:

- (1) The programs for which the grant is used.
- (2) The results of the programs for which the grant is used, including student general assessment results, program effectiveness, or student achievement.

#### School corporation high ability programs; criteria

Sec. 2. A governing body shall develop and periodically update a local plan to provide appropriate educational experiences to high ability students in the school corporation in kindergarten through grade 12. The plan must include the following components:

- (1) The establishment of a broad based planning committee that meets periodically to review the local education authority's plan for high ability students. The committee must have representatives from diverse groups representing the school and community.
- (2) Student assessments that identify high ability students using multifaceted assessments to ensure that students not identified by traditional assessments because of economic disadvantage, cultural background, underachievement, or disabilities are included. The assessments must identify students with high abilities in the general intellectual domain and specific academic domains. The results of an assessment under this subdivision must be recorded with the student test number assigned to a student.
- (3) Professional development.
- (4) Development and implementation of local services for high ability students, including appropriately differentiated curriculum and instruction in the core academic areas designated by the state board for each grade consistent with federal, state, local, and private funding sources.
- (5) Evaluation of the local program for high ability students.
- (6) Best practices to increase the number of participants in high ability student programs who are from racial and ethnic groups that have been underrepresented in those programs.

**IC 20-36-3** - *Relevant sections to High Ability are included here. For full citation, see the Indiana Code*  
**Chapter 3. Advanced Placement Courses**

Sec. 1. As used in this chapter, "advanced course" refers to an advanced placement course for a particular subject area as authorized under this chapter.

Sec. 2. As used in this chapter, "advanced placement examination" refers to the advanced placement examination sponsored by the College Board of the Advanced Placement Program

Sec. 5. (a) Each school year:

- (1) each school corporation may provide the College Board's science and math advanced placement courses; and
- (2) each school corporation may provide additional College Board advanced placement courses; in secondary schools for students who qualify to take the advanced placement courses.

(b) Each school corporation shall provide the College Board's science and math advanced placement courses in secondary schools for students who qualify to take the advanced placement courses.

(c) In addition to the College Board's math and science advanced placement tests, the state board may approve advanced placement courses offered by a state educational institution in collaboration with a school corporation if the state educational institution and the collaborating school corporation demonstrate to the state board that the particular advanced placement course satisfies the objectives of this chapter.

Sec. 6. (a) Each student who enrolls in an advanced course may take the advanced placement examination to receive high school credit for the advanced course.

(b) Any rule adopted by the department concerning an academic honors diploma must provide that a successfully completed mathematics or science advanced course is credited toward fulfilling the requirements of an academic honors diploma.

(c) If a student who takes an advanced placement examination receives a satisfactory score on the examination, the student is entitled to receive:

- (1) a certificate of achievement; and
- (2) postsecondary level academic credit at a state educational institution that counts toward meeting the student's degree requirements, if elective credit is part of the student's degree requirement. The state educational institution may require a score higher than 3 on an advanced placement test if the credit is to be used for meeting a course requirement for a particular major at the state educational institution.

**IC 20-36-5**

**Chapter 5. Alternate Methods of Earning High School Academic Credit**

Receiving credits by demonstrating proficiency; methods

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) Other methods approved by the state board.

Sec. 2. A student who demonstrates proficiency in one (1) or more courses or subject areas under section 1 of this chapter may not be required to complete a minimum number of semesters to graduate or to receive an academic honors diploma.

Sec. 3. The department shall develop guidelines and the state board shall adopt rules under IC 4-22-2 to implement this chapter.

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#### **IC 20-26-13-10 Formula to determine four year graduation rate**

Sec. 10. 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](#), 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.

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

STEP FIVE: Divide:

(A) the number determined under STEP FOUR; by

(B) the remainder determined under STEP THREE.

#### **IC 20-31**

## **ARTICLE 31. ACCOUNTABILITY FOR PERFORMANCE AND IMPROVEMENT**

### **IC 20-31-2 Chapter 2. Definitions**

Sec. 1. The definitions in this chapter apply throughout this article.

Sec. 6. "Exceptional learner" refers to the following:

- (1) A child with a disability (as defined in IC 20-35-1-2).
- (2) A high ability student (as defined in IC 20-36-1-3).

Sec. 7. "Plan" refers to a strategic and continuous school improvement and achievement plan established under this article for a school or school corporation.

Sec. 8. "School" refers to a public school or an accredited nonpublic school.

### **IC 20-31-5 Chapter 5. Strategic and Continuous School Improvement and Achievement Plan**

Sec. 1. (a) The principal of each school shall coordinate:

- (1) the development of an initial three (3) year strategic and continuous school improvement and achievement plan; and
- (2) an annual review of the plan.

(b) The initial plan and annual review must be made with input from a committee of persons interested in the school, including administrators, teachers, parents, and community and business leaders appointed by the principal. Teacher appointments to the committee must be made in accordance with IC 20-29.

Sec. 2. (a) This section applies to a charter school.

(b) A charter entered into under IC 20-24-4 may be used as a charter school's three (3) year plan.

Sec. 3. (a) The committee must submit a school's initial plan to the superintendent by March 1 of the school year before the year of implementation. The superintendent:

- (1) shall review the plan to ensure that the plan aligns with the school corporation's objectives, goals, and expectations;
- (2) may make written recommendations of modifications to the plan to ensure alignment; and
- (3) shall return the plan and any recommendations to the committee by April 1 of the school year before the year of implementation.

(b) A committee may modify the plan to comply with recommendations made by the superintendent under subsection (a).

(c) A committee shall submit:

- (1) the plan; and
- (2) the written recommendations of the superintendent; to the governing body by May 1 of the school year before the year of implementation.

(d) An initial plan must be established and approved by the governing body not later than August 1 of the school year in which the plan is to be implemented.

The governing body shall approve a plan for each school in the school corporation. When a plan is presented to the governing body, the governing body must either accept or reject the plan and may not revise the plan. A plan is established when written evidence of approval is attached to the plan.

Sec. 4. (a) A plan must:

- (1) state objectives for a three (3) year period; and
  - (2) be annually reviewed and revised to accomplish the achievement objectives of the school.
- (b) A plan must establish objectives for the school to achieve. These achievement objectives must be consistent with academic standards and include improvement in at least the following areas:
- (1) Attendance rate.
  - (2) The percentage of students meeting academic standards under the ISTEP program (IC 20-31-3 and IC 20-32-5).
  - (3) For a secondary school, graduation rate.
- (c) A plan must address the learning needs of all students, including programs and services for exceptional learners.

(d) A plan must specify how and to what extent the school expects to make continuous improvement in all areas of the education system where results are measured by setting benchmarks for progress on an individual school basis.

(e) A plan must note specific areas where improvement is needed immediately.

Sec. 5. (a) A plan may include a request for a waiver of applicability of a rule or statute to a school.

(b) The governing body may waive any rule adopted by the state board for which a waiver is requested in a plan, except for a rule that is characterized as follows:

(1) The rule relates to the health or safety of students or school personnel.

(2) The rule is a special education rule under 511 IAC 7.

(3) Suspension of the rule brings the school into noncompliance with federal statutes or regulations.

(4) The rule concerns curriculum or curricular materials.

(c) Upon request of the governing body and under a plan, the state board may waive for a school or a school corporation any statute or rule relating to the following:

(1) Curriculum.

(2) Selection of curricular materials.

Sec. 7. The department shall make effective plans available to school corporations as models to use in developing and carrying out plans.

#### **IC 20-32-5-13.5 Test results; high ability students**

Sec. 13.5. The department shall disaggregate from the total results of the ISTEP program test results for a school corporation the percentage of students in each school and each grade in the school corporation that are identified as high ability students (as defined by [IC 20-36-1-3](#)) by the school corporation who also achieved a score in the highest performance level designated for the ISTEP test. However, this disaggregation is not required in a case in which the results would reveal personally identifiable information about an individual student under the federal Family Education Rights and Privacy Act (20 U.S.C. 1232g et seq.).

#### **IC 20-32-5.1-16 Annual performance reports; disaggregation of test results for high ability students**

Sec. 16. (a) The department shall develop a format for the publication by school corporations in an annual performance report required by statute of appropriate academic information required by the department, including statewide assessment scores and information required to be disaggregated by the department under subsection (b), in a manner that a reasonable person can easily read and understand.

(b) The department shall disaggregate from the total results of the statewide assessment test results for a school corporation the percentage of students in each school and each grade in the school corporation that are identified as high ability students (as defined by [IC 20-36-1-3](#)) by the school corporation who also achieved a score in the highest performance level designated for the statewide assessment. However, this disaggregation is not required in a case in which the results would reveal personally identifiable information about an individual student under the federal Family Education Rights and Privacy Act (20 U.S.C. 1232g et seq.).

#### **IC 20-33-1-3 Segregation prohibited; student tracking practices review**

Sec. 3. (a) The governing body of a school corporation and the board of trustees of a state educational institution may not build or erect, establish, maintain, continue, or permit any segregated or separate public schools, including any public school departments or divisions on the basis of race, color, creed, or national origin of pupils or students.

(b) The officials described in subsection (a) may take any affirmative actions that are reasonable, feasible, and practical to effect greater integration and to reduce or prevent segregation or separation of races in public schools for whatever cause, including:

(1) site selection; or

(2) revision of:

(A) school districts;

(B) curricula; or

(C) enrollment policies;  
to implement equalization of educational opportunity for all.

(c) A school corporation shall review the school corporation's programs to determine if the school corporation's practices of:

- (1) separating students by ability;
- (2) placing students into educational tracks; or
- (3) using test results to screen students;

have the effect of systematically separating students by race, color, creed, national origin, or socioeconomic class.

#### **IC 20-33-5-7 Public schools; textbook assistance; state reimbursement**

Sec. 7. (a) If a determination is made that the applicant is eligible for assistance, the school corporation shall pay the cost of the student's required fees.

(b) A school corporation shall receive a reimbursement from the department for some or all of the costs incurred by a school corporation during a school year in providing curricular materials assistance to students who are eligible under section 2 of this chapter.

(c) To be guaranteed some level of reimbursement from the department, the governing body of a school corporation shall request the reimbursement before November 1 of a school year.

(d) In its request, the governing body shall certify to the department:

- (1) the number of students who are enrolled in that school corporation and who are eligible for assistance under this chapter;
- (2) the costs incurred by the school corporation in providing:
  - (A) curricular materials (including curricular materials used in special education and high ability classes) to these students;
  - (B) workbooks, digital content, and consumable curricular materials (including workbooks, consumable curricular materials, and other consumable instructional materials that are used in special education and high ability classes) that are used by students for not more than one (1) school year; and
  - (C) instead of the purchase of curricular materials, developmentally appropriate material for instruction in kindergarten through the grade 3 level, laboratories, and children's literature programs;
- (3) that the curricular materials described in subdivision (2)(A) (except curricular materials used in special education classes and high ability classes) have been adopted by the governing body; and
- (4) any other information required by the department.

(e) Each school within a school corporation shall maintain complete and accurate information concerning the number of students determined to be eligible for assistance under this chapter. This information shall be provided to the department upon request.

(f) Parents receiving other governmental assistance or aid that considers educational needs in computing the entire amount of assistance granted may not be denied assistance if the applicant's total family income does not exceed the standards established by this chapter.

(g) The amount of reimbursement that a school corporation is entitled to receive shall be determined as provided in section 9.5 of this chapter.

#### **IC 20-36-4-3 Academy established**

Sec. 3. The governor's scholars academy is established to administer and operate a public, residential, coeducational school to be held in the summer for high school students in Indiana who are high ability students as described in [IC 20-36-1](#).

#### **IC 20-43-10 Chapter 10. Other Tuition Support Grants**

##### **IC 20-43-10-2 Determination of honors diploma award**

Sec. 2. (a) A school corporation's honors diploma award for a state fiscal year is the amount determined using the following formula:

STEP ONE: Determine the number of the school corporation's eligible pupils who:

- (A) successfully completed an academic honors diploma program; and
- (B) were receiving Supplemental Nutrition Assistance Program (SNAP) benefits, Temporary Assistance for Needy Families (TANF) benefits, or foster care services;

in the school year ending in the previous state fiscal year.

STEP TWO: Determine the result of:

- (A) the number of the school corporation's eligible pupils who:
- (i) successfully completed a Core 40 diploma with technical honors program; and
  - (ii) were receiving Supplemental Nutrition Assistance Program (SNAP) benefits, Temporary Assistance for Needy Families (TANF) benefits, or foster care services;
- in the school year ending in the previous state fiscal year; minus
- (B) the number of eligible pupils who would otherwise be double counted under both clause (A) and STEP ONE.

STEP THREE: Determine the sum of the number of eligible students determined under STEP ONE and the number of eligible students determined under STEP TWO.

STEP FOUR: Multiply the STEP THREE amount by one thousand five hundred dollars (\$1,500).

STEP FIVE: Determine the result of:

- (A) the number of the school corporation's eligible pupils who successfully completed an academic honors diploma program in the school year ending in the previous state fiscal year; minus
- (B) the STEP ONE amount.

STEP SIX: Determine the result of:

- (A) the number of the school corporation's eligible pupils who successfully completed a Core 40 diploma with technical honors program in the school year ending in the previous state fiscal year; minus
- (B) the number of the school corporation's eligible pupils who are counted under both clause (A) and STEP FIVE (A).

STEP SEVEN: Determine the result of the STEP SIX amount minus the STEP TWO amount.

STEP EIGHT: Determine the result of:

- (A) the STEP FIVE amount; plus
- (B) the STEP SEVEN amount.

STEP NINE: Determine the result of:

- (A) the STEP EIGHT amount; multiplied by
- (B) one thousand one hundred dollars (\$1,100).

STEP TEN: Determine the sum of:

- (A) the STEP FOUR amount; plus
- (B) the STEP NINE amount.

- (b) An amount received by a school corporation as an honors diploma award may be used only for:

(1) any:

- (A) staff training;
- (B) program development;
- (C) equipment and supply expenditures; or
- (D) other expenses;

directly related to the school corporation's honors diploma program; and

(2) the school corporation's program for high ability students.

(c) A governing body that does not comply with this section for a school year is not eligible to receive an honors diploma award for the following school year.

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**INDIANA ADMINISTRATIVE CODE**

**Rule 9.1. Waiver of Curriculum and Graduation Rules for Programs for High Ability Students**

**511 IAC 6-9.1-1 Definitions**

Authority: IC 20-19-2-8; IC 20-31-4-7

Affected: IC 20-31-4; IC 20-36-1

Sec. 1. (a) The definitions in this section apply throughout this rule.

(b) "Broad-based planning committee" means a diverse group with representation from:

- (1) educators;
- (2) parents;
- (3) students;
- (4) community members; and
- (5) other stakeholders;

organized for the purposes of planning and development of programs.

(c) "Differentiated" means providing tiered levels of services for all educational needs.

(d) "Domain" includes the following areas of aptitude and talent:

- (1) General intellectual.
- (2) General creative.
- (3) Specific academic.
- (4) Technical and practical arts.
- (5) Visual and performing arts.
- (6) Interpersonal.

(e) "General creative" means understanding facts and concepts, developing skills and generalizations, and evaluating their relationships as they apply to activities, such as:

- (1) problem finding;
- (2) divergent thinking;
- (3) flexibility;
- (4) elaboration; and
- (5) originality.

(f) "General intellectual" means understanding facts and concepts, developing skills and generalizations, and evaluating their relationships as they apply to a broad array of disciplines.

(g) "Governing body" means the township trustee and township board of a school township, the board of school commissioners, board of school trustees, or any other board charged by law with the responsibility of administering the affairs of a school corporation.

(h) "High ability student" means a student who:

- (1) performs at, or shows the potential for performing at, an outstanding level of accomplishment in at least one (1) domain when compared to other students of the same age, experience, or environment; and
- (2) is characterized by exceptional gifts, talents, motivation, or interests.

(i) "Interpersonal" means understanding facts and concepts, developing skills and generalizations, and evaluating their relationships as they apply to areas, such as:

- (1) leadership;
- (2) mediation;
- (3) counseling; and
- (4) communication.

(j) "Multifaceted assessment" means collecting and analyzing data to identify the educational needs of high ability students through the following:

- (1) Performance-based assessment, which includes evaluating the performance of students involved in complex learning opportunities through the use of instruments, such as the following:
  - (A) Rating scales.
  - (B) Observation or interviews.
  - (C) Portfolios.
  - (D) Structured observations or interviews.
- (2) Potential-based assessment, which includes evaluating the potential performance of high ability students through the use of instruments, such as the following:
  - (A) Standardized intelligence tests.
  - (B) Standardized achievement tests.
  - (C) Behavior rating scales.
- (3) Other forms of assessment, which includes *[sic, include]* using procedures designed to reduce any assessment biases that may be inherent in other assessment methods used to evaluate the levels of services needed for high ability students.

(k) "Program" means educational services differentiated in depth and breadth designed to meet the needs of one (1) or more high ability students through activities, such as:

- (1) compacting;
- (2) acceleration;
- (3) enrichment;
- (4) problem solving; and
- (5) creative thinking.

(l) "Specific academic" means understanding facts and concepts, developing skills and generalizations, and evaluating their relationships as they apply to specific disciplines, such as:



- (1) English language arts;
- (2) social studies;
- (3) foreign languages;
- (4) mathematics; and
- (5) sciences.

(m) "Technical and practical arts" means understanding facts and concepts, developing skills and generalizations, and evaluating their relationships as they apply to disciplines, such as:

- (1) vocational-technical education;
- (2) business technology education;
- (3) family and consumer sciences; and
- (4) technology education.

(n) "Visual and performing arts" means understanding facts and concepts, developing skills and generalizations, and evaluating their relationships as they apply to disciplines, such as:

- (1) art;
- (2) dance;
- (3) music; and
- (4) theater arts.

Sec. 2. (a) To qualify as a program for high ability students under this rule, each school corporation shall meet all of the criteria in this section.

(b) The school corporation shall develop and periodically update a level of services program to provide educational opportunities to encourage high ability students to reach the highest possible level at every stage of development.

(c) The differentiated program for high ability students must include the following:

- (1) A multifaceted student assessment plan, including the following:
  - (A) Performance-based assessment.
  - (B) Potential-based assessment.
  - (C) Other forms of assessment.
- (2) A curriculum and instructional strategies plan.
- (3) A counseling and guidance plan.
- (4) A systematic program assessment plan.
- (5) A professional development plan.

(d) Educational experiences offered outside the school day may be used to supplement, but not to supplant, the levels of services provided for high ability students offered during the school day.

(e) The governing body shall create a broad-based planning committee to design and monitor the continuous development and implementation of the levels of services program for high ability students.

(f) The program must be approved by the governing body.

(g) The plans described in subsection (c) must be available for public inspection and filed with the department.

Sec. 3. (a) Upon proper submission of the appropriate forms by a school corporation, the department may waive, for programs for high ability students, any of the following curriculum or graduation rules:

(1) 511 IAC 6-7-1(d), 511 IAC 6.1-1-2(d), and, for summer school, 511 IAC 12-2-6(a) to allow gifted and talented students to earn credit through performance assessment without completing the required amount of instructional time.

(2) 511 IAC 12-2-6(b) to allow school corporations to be reimbursed for the cost of instruction for more than two (2) credits in summer school for high ability students.

(3) 511 IAC 6.1-6-1(a) to allow school corporations to utilize adults who have the demonstrated expertise in an area, but not the prerequisite teacher certification, to deliver nonstandard education programs for high ability students, such as:

- (A) internships;
- (B) mentorships; or
- (C) clinical experiences.

(b) The school corporation may appeal a denial of a waiver to the state board.