IC 20-30-8

Chapter 8. Alternative Program for Certain Students

IC 20-30-8-1

"Alternative education program"

Sec. 1. As used in this chapter, "alternative education program" refers to an alternative school or educational program that is described in section 6 of this chapter. The term includes:

(1) an alternative education program described in section 5(a)(1) of this chapter; or

(2) an area alternative education program described in section 5(a)(2) of this chapter.

As added by P.L.1-2005, SEC.14.

IC 20-30-8-2

"Disruptive student"

Sec. 2. As used in this chapter, "disruptive student" means an eligible student who has a documented record of frequent disruptions of the traditional school learning environment despite repeated attempts by the school corporation to modify the student's behavior in conformity with a progressive disciplinary program approved by the department.

As added by P.L.1-2005, SEC.14.

IC 20-30-8-3

"Eligible student"

Sec. 3. (a) Except as provided in subsection (b), as used in this chapter, "eligible student" refers to a student who qualifies as an eligible student under section 9 of this chapter.

(b) As used in section 16 of this chapter, "eligible student" means an eligible pupil (as defined in IC 20-43-1-11) who meets the criteria for enrollment in an alternative education program under section 9 of this chapter.

As added by P.L.1-2005, SEC.14. Amended by P.L.2-2006, SEC.141.

IC 20-30-8-3.5

"Full-time equivalent students"

Sec. 3.5. As used in this chapter, "full-time equivalent students" means the number of students determined under section 16 of this chapter.

As added by P.L.2-2006, SEC.142.

IC 20-30-8-4

"Program organizer"

Sec. 4. As used in this chapter, "program organizer" means the following:

(1) The governing body of a school corporation that establishes an alternative education program described in section 5(a)(1) of this chapter.

(2) The governing bodies of each of the school corporations

that:

(A) participate in an area alternative education program described in section 5(a)(2) of this chapter; and

(B) take an official action under this chapter by adopting substantially identical resolutions.

(3) The governing body or administrative body of an area alternative education program described in section 5(a)(2) of this chapter.

As added by P.L.1-2005, SEC.14.

IC 20-30-8-4.5
Repealed

(Repealed by P.L.2-2006, SEC.199.)

IC 20-30-8-4.6
"Qualifying school corporation"

Sec. 4.6. As used in this chapter, "qualifying school corporation" means a school corporation, including a charter school, that has been approved under section 8 of this chapter to receive a grant under this chapter.

As added by P.L.2-2006, SEC.143.

IC 20-30-8-5
Election to establish program or to participate in joint program; site

Sec. 5. (a) The governing body may elect to:

(1) establish an alternative program on its own; or

(2) participate in an area alternative program through a joint program under IC 20-26-10.

(b) An alternative program is not required to be located at a site that is different than the site at which the traditional school instruction is offered.

As added by P.L.1-2005, SEC.14.

IC 20-30-8-6
Qualification as alternative education program

Sec. 6. To qualify as an alternative education program, the program must:

(1) be an educational program for eligible students that instructs the eligible students in a different manner than the manner of instruction available in a traditional school setting; and

(2) comply with the rules that are adopted under IC 4-22-2 by the state board to govern:

(A) alternative education programs; and

(B) admission of eligible students to alternative education programs.

As added by P.L.1-2005, SEC.14.

IC 20-30-8-7
Program organizers; requests for approval of grants or waivers

from rules

Sec. 7. The program organizer may request the approval from the department for the following:

(1) To receive the grant for alternative education programs under IC 20-20-33.

(2) To be granted waivers from rules adopted by the state board that may otherwise interfere with the objectives of the alternative education program, including waivers of:

(A) certain high school graduation requirements;

(B) the length of the student instructional day as set forth in IC 20-30-2-2;

(C) required curriculum and curricular materials;

(D) teacher certification requirements; and

(E) physical facility requirements.

As added by P.L.1-2005, SEC.14. Amended by P.L.2-2006, SEC.144; P.L.286-2013, SEC.96.

IC 20-30-8-8

Approval of grant; application for program; term of grant

Sec. 8. (a) Before a program organizer is eligible for the funding under IC 20-20-33, a program organizer must have the grant for the program approved by both:

(1) the department; and

(2) the budget agency after review by the budget committee.

(b) A school corporation may initiate the program and waiver approval process under section 7 of this chapter and the grant approval process under this section by submitting an application for the proposed alternative education program, on forms developed by the department, to the department. The application must include the following information:

(1) The number of eligible students expected to participate in the alternative education program.

(2) A description of the proposed alternative education program, including a description of the nature of the alternative education program curriculum.

(3) The extent to which the manner of instruction at the alternative education program differs from the manner of instruction available in the traditional school setting.

(4) A description of specific progressive disciplinary procedures that:

(A) are reasonably designed to modify disruptive behavior in the traditional school learning environment without necessitating admission to an alternative education program; and

(B) will be used before admitting a disruptive student to an alternative education program.

(5) Any other pertinent information required by the department.

(c) The term of a grant may not exceed one (1) school year. If a school corporation fails to conduct an alternative education program in conformity with:

(1) this chapter;
(2) the rules adopted by the state board; or
(3) the terms of the approved grant;

the department or the budget agency, after review by the budget committee, may terminate funding for the alternative education program before the grant expires.

As added by P.L.1-2005, SEC.14. Amended by P.L.2-2006, SEC.145.

IC 20-30-8-9

Qualification as eligible student

Sec. 9. (a) To qualify as an eligible student, a student must:

(1) be enrolled in or be eligible to be admitted to grades 6 through 12;
(2) meet at least one (1) of the criteria described in section 10 of this chapter;
(3) have a written individual service plan prepared under section 11 of this chapter; and
(4) be likely to benefit:
(A) academically;
(B) behaviorally; or
(C) both academically and behaviorally;

from participation in an alternative education program, as jointly determined by the student's teacher or teachers and principal or principal's designee, and in consultation with the student's parent or guardian.

(b) The governing body of the school corporation shall review the determinations made by the school corporation to place and retain students in an alternative education program in order to ensure that the students in the alternative education program meet the criteria for the program.

As added by P.L.1-2005, SEC.14.

IC 20-30-8-10

Criteria for placement of students in program

Sec. 10. A student placed in an alternative education program must meet at least one (1) of the following criteria:

(1) The student intends to withdraw or has withdrawn from school before graduation.
(2) The student has been identified as a student who:
(A) has failed to comply academically; and
(B) would benefit from instruction offered in a manner different from the manner of instruction available in a traditional school.
(3) The student is a parent or an expectant parent and is unable to regularly attend the traditional school program.
(4) The student is employed and the employment:
(A) is necessary for the support of the student or the student's immediate family; and
(B) interferes with a part of the student's instructional day.
(5) The student is a disruptive student.

As added by P.L.1-2005, SEC.14.

IC 20-30-8-11
Individual service plans for students

Sec. 11. (a) Before placing a student in an alternative education program, the school corporation in which the student is enrolled shall prepare an individual service plan for the student's placement.

(b) The individual service plan for a student must be reviewed and revised:

(1) as needed; and

(2) at least annually.

(c) The initial plan and each revised plan must be jointly prepared by the student's:

(1) teacher or teachers; and

(2) principal or the principal's designee.

If a student is enrolled in an alternative education program when an individual service plan is revised, the principal and teacher for the alternative education program may prepare the revised plan. If a student is enrolled in the classes of more than one (1) teacher, a teacher who is designated by the school corporation as the student's principal adviser shall prepare the individual service plan.

(d) The individual service plan for a student must be in writing. In the plan, the student's teacher or teachers and principal or principal's designee must jointly agree that the student is likely to academically benefit from participation in an alternative education program. The plan must include a description of at least the following:

(1) Educational goals appropriate for the student.

(2) Behavioral goals appropriate for the student.

(3) An alternative education program that is appropriate for the student.

(4) Services required by the student and the student's immediate family to meet the educational goals and behavioral goals specified in the individual service plan.

As added by P.L.1-2005, SEC.14.

IC 20-30-8-12
Appeal by eligible student

Sec. 12. A student who:

(1) is designated as an eligible student or assigned to participate in a particular alternative education program; and

(2) disagrees with the designation or assignment described in subdivision (1);

may appeal the designation to the governing body for the school corporation in which the student is enrolled.

As added by P.L.1-2005, SEC.14.

IC 20-30-8-13
Department to encourage and assist in establishing program; program for chronically disruptive students

Sec. 13. (a) The department shall encourage school corporations

to assess the need in the school corporation for an alternative education program or an area alternative education program.

(b) Upon request of a school corporation, the department shall assist the school corporation in establishing an alternative education program.

As added by P.L.1-2005, SEC.14.

IC 20-30-8-14

Adoption of rules; implementation of chapter

Sec. 14. The state board shall adopt rules under IC 4-22-2 to implement this chapter.

As added by P.L.1-2005, SEC.14.

IC 20-30-8-15

Report; full-time equivalent students

Sec. 15. Each qualifying school corporation shall report to the department in the form specified by the department the number of full-time equivalent students who were enrolled in an alternative education program. Reports must be submitted before January 31 of each year for the period January 1 through December 31 of the immediately preceding year.

As added by P.L.2-2006, SEC.146.

IC 20-30-8-16

Determination of full-time equivalent students

Sec. 16. The number of full-time equivalent students enrolled in an alternative education program during a reporting period is the result determined under STEP SIX of the following formula:

STEP ONE: Determine the number of alternative education program sessions that were conducted in a reporting period for a qualifying school corporation as follows:

(A) Determine the number of days on which an alternative education program was conducted for an entire morning, as determined under the rules adopted by the state board.

(B) Determine the number of days on which an alternative education program was conducted for an entire afternoon, as determined under the rules adopted by the state board.

(C) Determine the number of days on which an alternative education program was conducted for an entire evening, as determined under the rules adopted by the state board.

(D) Determine the sum of the clause (A), (B), and (C) amounts.

STEP TWO: For each morning, afternoon, and evening session of an alternative education program that is used to determine the STEP ONE result, determine the number of eligible students enrolled in the sessions.

STEP THREE: Determine the sum of the STEP TWO amounts.

STEP FOUR: Divide the STEP THREE result by the STEP ONE result.

STEP FIVE: Divide the STEP ONE result by three hundred

sixty (360).

STEP SIX: Multiply the STEP FOUR result by the STEP FIVE result.

As added by P.L.2-2006, SEC.147.