

Indiana Code and Rules Specific to or with Implications for Students with High Ability

Article 36. High Ability Students

IC 20-36-1

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 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

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. 2.8. As used in this chapter, "preadvanced placement" education refers to set

- professional development resources and services that equip all middle school, junior high school, and high school teachers with the strategies and tools they need to engage students in active, high level learning to ensure the students develop skills, habits, and concepts needed to succeed in advanced placement courses.
- Sec. 3. As used in this chapter, "program" refers to the advanced placement program established by section 4 of this chapter.
- Sec. 3.2. As used in this chapter, "vertical team" refers to a group of teachers from different grade levels in a given discipline who work cooperatively to develop and implement a vertically aligned program aimed at helping students from diverse backgrounds acquire the academic skills necessary for success in advanced placement courses.
- Sec. 4. (a) The advanced placement program is established to encourage students to pursue advanced courses, particularly in math and science. The program shall be administered by the department.
(b) Unexpended money appropriated to the department to implement the program at the end of a state fiscal year does not revert to the state general fund.
- 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.

Sec. 7. (a) Teachers who are assigned to teach an advanced course may participate in summer training institutes offered by the College Board.

(b) For a teacher to be eligible for a stipend under section 8 of this chapter, the training in subsection (a) must do the following:

- (1) Provide teachers of advanced placement and teachers who instruct preadvanced placement courses with the necessary content knowledge and instructional skills to prepare students for success in advanced placement courses and examinations and other advanced courses.
- (2) Provide administrators, including principals and counselors, with professional development that enables them to create strong and effective advanced placement programs in their respective schools.
- (3) Provide middle school, junior high school, and high school teachers with advanced placement vertical team training and other preadvanced placement professional development that prepares students for success in advanced placement.
- (4) Support the implementation of an instructional program for students in grades 6 through 12 that provides an integrated set of instructional materials, diagnostic assessments, and teacher professional development in reading, writing, and mathematics that prepares all students for enrollment and success in advanced placement courses and in college.

Sec. 8. (a) Money appropriated to the department to implement the program shall be distributed for purposes listed in the following order:

- (1) To pay the fees for each math or science advanced placement examination that is taken by a student who is:
 - (A) enrolled in a public secondary school; and
 - (B) a resident of Indiana.Priority shall be given to paying the fees for each math or science advanced placement examination that is taken by a student in grade 11 or 12.
- (2) To pay stipends for teachers assigned to teach a math or science advanced course to attend the institutes under section 7 of this chapter.
- (3) To pay school corporations for instructional materials needed for the math or science advanced course.
- (4) To pay for or rent equipment that a school corporation may need to develop a math or science advanced course.
- (5) To pay the fees for the costs incurred in implementing the advanced placement program for the subjects other than math and science as authorized under section 5 of this chapter.

- (b) The department shall establish guidelines concerning the distribution of funds under this chapter, including guidelines to ensure that money distributed under this chapter is distributed as evenly as possible throughout Indiana. In establishing these distribution guidelines, the department shall consider the following factors:
 - (1) The number of students and teachers participating in the program.
 - (2) Even geographic representation.
 - (3) Financial need of students participating in the program.
 - (4) Any other factor affecting the distribution of money under this chapter.
 - (c) The department may seek funding to carry out the purposes of this chapter through the following federal programs:
 - (1) The Advanced Placement Incentive Program.
 - (2) The Math-Science Partnership Program.
 - (d) The department may give priority in the distribution of funds to a school that serves a high concentration of low income students.
- Sec. 9. (a) The department shall develop and provide each public middle school, junior high school, and secondary school with curriculum guidelines designed to satisfy the requirements of this chapter.
- (b) The guidelines developed under subsection (a) shall include a plan for increasing the:
- (1) availability of advanced placement program in schools with a high concentration of low income students; and
 - (2) participation of low income students in advanced placement programs; through information dissemination through print, electronic, and broadcast media that informs parents and students of the importance of advanced placement and preadvanced placement courses to a student's ability to gain access to and to succeed in postsecondary education.
- Sec. 10. The department shall prepare an annual report concerning the implementation of the program and shall submit the report to the board before December 1 of each year. The report must include the pertinent details of the program, including the following:
- (1) The number of students participating in the program.
 - (2) The number of teachers attending a summer institute offered by the College Board.
 - (3) Recent trends in the field of advanced placement.
 - (4) The distribution of money under this program.
 - (5) Gender and minority participation.
 - (6) Other pertinent matters.
- Sec. 11. The department and the commission for higher education shall work with each state educational institution on implementing and communicating the state educational institution's policy for awarding advanced placement credits under IC 20-32-3-10 and section 6 of this chapter. The plan to implement each policy must be developed by March 1, 2011.
- Sec. 12. The state board shall adopt rules under IC 4-22-2 to implement this chapter.

IC 20-36-4

Chapter 4. Governor's Scholars Academy

- Sec. 1. As used in this chapter, "academy" refers to the governor's scholars academy established by section 3 of this chapter.
- Sec. 2. As used in this chapter, "advisory board" refers to the advisory board for the governor's scholars academy established by section 5 of this chapter. *As added by P.L.1-2005, SEC.20.*
- 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.
- Sec. 4. (a) The department shall operate the academy under guidelines that are established by the advisory board and in consideration of the recommendations that are made by the advisory board under section 6 of this chapter.
- (b) The department shall:
- (1) employ personnel necessary to operate the academy;
 - (2) select the students who will attend the academy;
 - (3) hire the faculty for the academy;
 - (4) enter into contracts with postsecondary educational institutions or other similar entities for establishing the location or locations of the academy;
 - (5) determine the courses that are to be offered at each academy site; and
 - (6) take any other action necessary to operate the academy under this chapter.
- Sec. 5. (a) An advisory board for the academy is established.
- (b) Fifteen (15) members shall be appointed to the advisory board as follows:
- (1) The state superintendent as an ex officio member.
 - (2) The chairman of the curriculum committee of the state board as an ex officio member.
 - (3) The commissioner of the commission for higher education as an ex officio member.
 - (4) Seven (7) members appointed by the state superintendent as follows:
 - (A) Two (2) members who are classroom teachers.
 - (B) Two (2) members who are public school administrators.
 - (C) One (1) member who represents the parents of public school students.
 - (D) Two (2) members who are former students of the academy.
 - (5) Five (5) members appointed by the governor as follows:
 - (A) Two (2) representatives from state educational institutions.
 - (B) One (1) representative from a private postsecondary educational institution in Indiana.

- (C) Two (2) individuals representing business and industry.
- (c) At the expiration of the terms of the initial appointees, their successors shall be appointed to four (4) year terms beginning on July 1 in the year of their appointments. A member may be reappointed to the advisory board.
- (d) A vacancy in any appointive term under this section shall be filled for the unexpired part of the term by appointment of the officer who appointed the person creating the vacancy.
- (e) On July 1 of each year, the state superintendent shall designate a member to serve as chairperson. The advisory board shall elect other officers annually to serve terms from July 1 through June 30.
- (f) An advisory board member is not entitled to the minimum salary per diem as provided in IC 4-10-11-2.1(b) while performing the member's duties. A member is 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.
- (g) The chairperson shall call the meetings of the advisory board.
- (h) A majority of the advisory board constitutes a quorum for the purpose of doing business.

Sec. 6. (a) The advisory board shall establish the following guidelines:

- (1) The criteria for admission to the academy.
 - (2) The maximum number and grade levels of students to be admitted to the academy.
 - (3) Rules for selecting students based upon county student populations with the goal of gathering a diverse student body representing as many high schools in the state as possible.
 - (4) Criteria and procedures for evaluating the academy.
- (b) The advisory board may make recommendations to the department of education concerning the following:
- (1) The curriculum to be offered at the academy.
 - (2) The location or locations for the operation of the academy.
 - (3) The length of time during the summer that the academy is to be operational.
 - (4) Any other matter that the advisory board determines to be pertinent to the operation of the academy.

Sec. 7. The academy shall provide free tuition, room, and board to students accepted to attend the academy.

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.

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. 2. "Annual report" refers to the school corporation annual performance report required by IC 20-20-8.
- Sec. 3. "Charter school" refers to a public school created and operating under IC 20-24.
- Sec. 4. "Committee" refers to the committee that develops the strategic and continuous school improvement and achievement plan under IC 20-31-5.
- Sec. 5. "Cultural competency" means a system of congruent behaviors, attitudes, and policies that enables teachers to work effectively in cross-cultural situations. The term includes the use of knowledge concerning individuals and groups to develop specific standards, policies, practices, and attitudes to be used in appropriate cultural settings to increase students' educational performance.
- 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.
- Sec. 9. "Special management team" means an entity that manages a turnaround academy.
- Sec. 10. "Turnaround academy" means a school that is subject to IC 20-31-9.5 and for the purpose of federal funding only, is considered a local educational agency.

IC 20-31-5 Chapter 5. Strategic and Continuous School Improvement and Achievement Plan (section relevant to High Ability is highlighted)

- 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 by June 1 of the school year before the year of implementation by approval of the governing body. 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 textbooks.
 - (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) Textbook selection.
- Sec. 6. (a) A plan must contain the following components for the school:
- (1) A list of the statutes and rules that the school wishes to have suspended from operation for the school.
 - (2) A description of the curriculum and information concerning the location of a copy of the curriculum that is available for inspection by members of the public.
 - (3) A description and name of the assessments that will be used in the school in addition to ISTEP program assessments.
 - (4) A plan to be submitted to the governing body and made available to all interested members of the public in an easily understood format.
 - (5) A provision to maximize parental participation in the school, which may include providing parents with:
 - (A) access to learning aids to assist students with school work at home;
 - (B) information on home study techniques; and
 - (C) access to school resources.
 - (6) For a secondary school, a provision to do the following:
 - (A) Offer courses that allow all students to become eligible to receive an academic honors diploma.
 - (B) Encourage all students to earn an academic honors diploma or

complete the Core 40 curriculum.

(7) A provision to maintain a safe and disciplined learning environment for students and teachers that complies with the governing body's plan for improving student behavior and discipline developed under IC 20-26-5-32.

(8) A provision for the coordination of technology initiatives and ongoing professional development activities.

(b) If, for a purpose other than a plan under this chapter, a school has developed materials that are substantially similar to a component listed in subsection (a), the school may substitute those materials for the component listed in subsection (a).

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

IC 20-43-10 Chapter 10. Other Tuition Support Grants (section relevant to High Ability is highlighted)

Sec. 0.5. This chapter does not apply to a virtual charter school.

Sec. 1. In addition to a basic tuition support distribution, a school corporation is eligible for the grants provided under this chapter.

Sec. 2. (a) A school corporation's honors diploma award for a calendar year is the amount determined under STEP FOUR of the following formula:

STEP ONE: Determine 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 calendar year.

STEP TWO: 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 calendar 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 nine hundred dollars (\$900).

(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.

INDIANA ADMINISTRATIVE RULES

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.

Rule 10. Postsecondary Enrollment Program

Sec. 1. "Eligible institution" means an accredited public or private college or university located in Indiana that grants a baccalaureate or associate degree. "Program" refers to the postsecondary enrollment program established under IC 20-30-11.

"Secondary credit" means credit toward graduation requirements granted by a student's school corporation upon the successful completion of a course taken under the program.

Sec. 2. (a) A student may, upon approval of that student's school corporation, enroll in courses offered by an eligible institution under the program on a full-time or part-time basis during grade 11, grade 12, or both. A student who participates in the program shall be considered a student enrolled in the school corporation in computing average daily membership as defined in IC 21-3-1.6-1.1(d).

(b) If a course has been approved for secondary credit by the school corporation, a student is entitled to credit toward graduation requirements for each course the student successfully completes at that institution. The student's school records must indicate that the credits were earned at an eligible institution.

(c) Before February 1 each year, the school corporation shall provide each student in grades 10 and 11 with information concerning the program.

(d) Each student who intends to enroll in an eligible institution under the program shall notify the principal of the school in which the student is enrolled. A representative of the school corporation shall meet with

each student who intends to participate in the program and discuss the following:

- (1) The student's eligibility to participate in the program.
 - (2) The courses in which the student is authorized to enroll.
 - (3) The secondary and postsecondary credit the student earns upon successful completion of a course.
 - (4) The consequences of a student's failure to successfully complete a course.
 - (5) The student's schedule.
 - (6) The financial obligations of the student and the school under the program.
 - (7) The responsibilities of the student, the student's parent or guardian, and the school under the program.
 - (8) Other matters concerning the program.
- (e) The representative of the school corporation shall make a recommendation to the principal concerning the student's participation in the program.
- (f) The principal shall make a determination, based on the recommendation received under subsection (e) of this section and the policy adopted under 511 IAC 6-10-4, concerning:
- (1) the student's eligibility to participate in the program; and
 - (2) the courses approved for secondary credit.
- (g) The principal shall notify the student and the superintendent of the school corporation, in writing, of the determination under subsection (f) of this section. If the principal determines that:
- (1) the student is not eligible to participate in the program; or
 - (2) a course in which the student intends to enroll is not approved for secondary credit;
- the principal must state, in writing, the reasons for that determination.

Sec. 3. (a) If a student disputes a determination made by the principal under 511 IAC 6-10-2(f), the student may appeal the determination to the governing body by submitting to the governing body, in writing, the reasons the student objects to the determination. The governing body shall review a determination made under 511 IAC 6-10-2(f) and render a decision concerning that determination. The governing body shall notify the student and the principal, in writing, of its decision.

(b) If the student or the principal disputes the decision of the governing body under subsection (a) of this section, that individual may appeal to the state board of education. The decision of the state board of education is final.

Sec. 4. (a) The governing body of each school corporation shall adopt policies to implement the program, based on 511 IAC 6-10 and guidelines established by the department of education. The policy shall include:

- (1) The criteria for determining eligibility to participate in the program, which may include:

- (A) A provision that a student is ineligible to participate if participation would delay the student's progress toward high school graduation.
 - (B) A provision that a student is ineligible to participate in the program if the request is for enrollment in a course offered by the student's school and participation would result in cancellation of the course due to low enrollment.
- (2) The criteria for determining the courses approved for secondary credit, which may include a provision that a course in which the student intends to enroll is not approved for secondary credit if the course is so unlike any of the approved courses listed in 511 IAC 6-2-5(d) [511 IAC 6-2-5 was repealed filed Nov 8, 1990, 3:05 p.m.: 14 IR 663.] that appropriate secondary credit cannot be given.
- (b) The adopted policy may not prohibit a student from enrolling in or attending an education program when the student is not required to be in attendance at the student's school corporation.
 - (c) In addition to adopting a policy to implement the program, the governing body of a school corporation may:
 - (1) establish a supplemental postsecondary education program for students of the school corporation;
 - (2) establish procedures to permit students, including students in grades below grade 11, to enroll in and attend courses at eligible institutions during the regular school day or regular school year; and
 - (3) establish procedures to award secondary credit for courses completed by students at eligible institutions.
- Sec. 5. (a) For each of its students enrolled in the program, a school corporation shall make and maintain records of the following:
- (1) The courses and credit hours in which the student enrolls.
 - (2) The courses that the student successfully completes and fails to complete.
 - (3) The secondary credit granted to the student.
 - (4) Other information requested by the department of education.
- (b) At the end of each school year, each school corporation shall submit to the department of education the following:
- (1) A list of students in the school corporation who are enrolled in the program.
 - (2) A list of the courses successfully completed by each student who is enrolled in the program.