

First Regular Session of the 123rd General Assembly (2023)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2022 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1590

AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 20-18-2-17.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2023]: **Sec. 17.5. "Science of reading" means a vast, interdisciplinary body of scientifically based research that:**

(1) requires the explicit, systematic inclusion of the following five (5) essential components:

- (A) Phonemic awareness.**
- (B) Phonics.**
- (C) Fluency.**
- (D) Vocabulary.**
- (E) Comprehension;**

(2) is supported by evidence that informs:

- (A) how proficient reading and writing develop;**
- (B) why some students have difficulty with reading and writing; and**
- (C) how to effectively assess and teach reading and writing to improve outcomes for all students; and**

(3) has a demonstrated record of success, and when implemented, leads to increased student competency in the areas of:

- (A) phonemic awareness;**
- (B) phonics;**
- (C) reading fluency;**

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- (D) vocabulary development;**
- (E) oral language skills;**
- (F) reading comprehension; and**
- (G) writing and spelling.**

SECTION 2. IC 20-20-5.5-2, AS AMENDED BY P.L.286-2013, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 2. (a) **Not later than July 1, 2024, and each July 1 thereafter**, the department shall evaluate, **approve, and publish a list of high quality** curricular materials ~~The evaluation must include an evaluation of:~~

- (1) the curricular materials' alignment to the academic standards developed by the department under IC 20-31-3-2; and
- (2) the appropriateness of the reading level of the curricular materials.

for use in the following subjects:

- (1) Science.
- (2) Technology.
- (3) Engineering.
- (4) Math.

The department shall post the list approved under this subsection on the department's website.

- (b) **Subject to subsection (g)**, the department shall determine the:
 - (1) process for evaluating **and approving** curricular materials under subsection (a); **and**
 - (2) **requirements for curricular materials to be approved and included on the list described in subsection (a).**

(c) The department shall publish ~~a~~ **an annual** report that describes the method used to conduct the evaluation required under subsection (a) and that contains the results of the evaluation. The report must do the following:

- (1) Provide a list of each curricular material evaluated and a summary of the evaluation for each curricular material.
- (2) Provide a listing and summary review for the **high quality** curricular materials ~~that are aligned to the academic standards developed by the department under IC 20-31-3-2~~ for the following subjects for each grade level:
 - (A) English/language arts, including spelling, literature, and handwriting.
 - (B) Reading.
 - (C) Mathematics.
 - (D) Science.
 - (E) Social studies.



(F) ~~Other subject areas as determined by the department.~~
approved by the department.

(3) Include any clarification or response from the publisher of a curricular material related to the department's summary review provided under subdivision (2).

(4) Include the written, exact, and standard statewide price provided by the publisher of the curricular material under subsection (e) for each high quality curricular material approved by the department under this section.

(d) A governing body and superintendent may use the **report list approved** under subsection ~~(c)~~ **(a)** in complying with IC 20-26-12-24.

~~(e) For a publisher's curricular materials to be included in the report under subsection (c);~~ **Before the department may approve curricular material for inclusion on the list under subsection (a), the publisher of the curricular material must:**

(1) provide the department a written, exact, and standard statewide price for each curricular material; and

(2) enter into a data share agreement with the department in the manner prescribed by the department.

(f) A publisher may request that an update to the publisher's curricular materials and corresponding prices replace the information on the curricular materials set forth in the report under subsection (c).

(g) At a minimum, the process for evaluating curricular materials and the requirements for curricular materials to be approved and included on the list described in subsection (a) must include the following:

(1) The availability and use of benchmark, formative, interim, or similar assessments to identify students that require remediation and provide individualized instruction.

(2) The incorporation of experiential learning opportunities.

(3) An evaluation of the benchmark, formative, interim, or similar assessment data provided by the publisher of the curricular material pursuant to the data share agreement described in subsection (e).

(4) The alignment of the curricular material to Indiana's academic standards developed by the department under IC 20-31-3-2.

(h) Not later than July 1, 2024, the department shall conduct a statewide survey to determine which curricular materials have been adopted for use in teaching science, technology, engineering, and mathematics in each state accredited school. Each state accredited school shall:



(1) participate in the statewide survey conducted under this subsection; and
(2) provide the information requested by the department as part of the statewide survey;
in the manner prescribed by the department. This subsection expires January 1, 2025.

SECTION 3. IC 20-20-13-6, AS AMENDED BY P.L.244-2017, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 6. (a) The Senator David C. Ford educational technology fund is established to extend educational technologies to elementary and secondary schools. The fund may be used for:

(1) the 4R's technology grant program to assist school corporations (on behalf of public schools) in purchasing technology equipment:

(A) for kindergarten and grade 1 students, to learn reading, writing, and arithmetic using technology;

(B) for students in all grades, to understand that technology is a tool for learning; and

(C) for students in kindergarten through grade 3 who have been identified as needing remediation, to offer daily remediation opportunities using technology to prevent those students from failing to make appropriate progress at the particular grade level;

(2) a school technology program developed by the department. The program may include grants to school corporations for the purchase of:

(A) equipment, hardware, and software;

(B) learning and teaching systems; and

(C) other materials;

that promote student learning, as determined by the department;

(3) providing educational technologies, including computers in the homes of students;

(4) conducting educational technology training for teachers; ~~and~~

(5) other innovative educational technology programs; **and**

(6) providing, subject to subsection (c), professional learning opportunities for educators regarding digital learning.

(b) The department may also use money in the fund under contracts entered into with the office of technology established by IC 4-13.1-2-1 to study the feasibility of establishing an information telecommunications gateway that provides access to information on employment opportunities, career development, and instructional services from data bases operated by the state among the following:



- (1) Elementary and secondary schools.
- (2) Postsecondary educational institutions.
- (3) Career and technical educational centers and institutions that are not postsecondary educational institutions.
- (4) Libraries.
- (5) Any other agencies offering education and training programs.

(c) The department may use money in the fund to directly provide the professional learning opportunities to educators as described in subsection (a)(6). However, the department may not use more than ten percent (10%) of the total money used from the fund during a state fiscal year to provide the professional learning opportunities described in subsection (a)(6).

~~(c)~~ **(d)** The fund consists of:

- (1) state appropriations;
- (2) private donations to the fund; or
- (3) any combination of the amounts described in subdivisions (1) through (2).

~~(d)~~ **(e)** The fund shall be administered by the department.

~~(e)~~ **(f)** Unexpended money appropriated to or otherwise available in the fund at the end of a state fiscal year does not revert to the state general fund but remains available to the department for use under this chapter.

SECTION 4. IC 20-20-45-5, AS ADDED BY P.L.132-2018, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 5. The next level computer science grant program is established to provide grants to:

- (1)** eligible entities to develop and implement high quality teacher professional development programs in computer science; **and**
- (2) state accredited schools to:**
 - (A) provide teachers with high quality teacher professional development programs in computer science; and**
 - (B) develop and implement sustainable computer science curricular programs.**

SECTION 5. IC 20-20-45-6, AS ADDED BY P.L.132-2018, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 6. The department, in consultation with the governor's office, shall develop guidelines to award grants ~~after June 30, 2019;~~ to eligible entities **and state accredited schools**. The guidelines developed by the department must include:

- (1) the ability of an eligible entity to provide effective training for a teacher who does not have previous exposure to teaching computer science;



(2) the ability of an eligible entity to implement effective practices for providing professional development in computer science that include:

(A) the eligible entity's ability to provide a teacher with practical training in teaching computer science that is founded on evidence based research; and

(B) the eligible entity's ability to tailor the professional development program to the needs of the teacher and the students the teacher serves; and

(3) any other criteria the department considers relevant.

SECTION 6. IC 20-20-45-7, AS ADDED BY P.L.132-2018, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 7. The next level computer science fund is established. The department must use money in the fund to provide grants from the fund to:

(1) eligible entities to develop and implement high quality teacher professional development programs in computer science; **and**

(2) state accredited schools for the purposes described in section 5(2) of this chapter.

SECTION 7. IC 20-20-45-11, AS ADDED BY P.L.132-2018, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 11. ~~Beginning July 1, 2019~~; An eligible entity **or state accredited school** may apply to the department to receive a grant from the fund on a form provided by the department.

SECTION 8. IC 20-26-5-43.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 43.5. (a) This section applies to a public school, including a charter school.**

(b) If a public school adopts or replaces a data technology system, the public school shall adopt a system that:

(1) is based on modern information technology data standards; and

(2) allows for full integration and automated data sharing with state agencies.

(c) The state board, in consultation with the department, may adopt rules under IC 4-22-2 necessary to implement this section.

SECTION 9. IC 20-28-5-12, AS AMENDED BY P.L.96-2021, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 12. (a) Subsection (b) does not apply to an individual who:

(1) held an Indiana limited, reciprocal, or standard teaching license on June 30, 1985; or



(2) is granted a license under section 12.5 or 18 of this chapter.

(b) Except as provided in section 12.5 of this chapter, the department may not grant an initial practitioner license to an individual unless the individual has demonstrated proficiency in the following areas on a written examination or through other procedures prescribed by the department:

- (1) Pedagogy.
- (2) Knowledge of the areas in which the individual is required to have a license to teach.
- (3) If the individual is seeking to be licensed as an elementary school teacher, comprehensive scientifically based reading instruction skills ~~including:~~
 - ~~(A) phonemic awareness;~~
 - ~~(B) phonics instruction;~~
 - ~~(C) fluency;~~
 - ~~(D) vocabulary; and~~
 - ~~(E) comprehension.~~

aligned to the science of reading.

(c) An individual's license examination score may not be disclosed by the department without the individual's consent unless specifically required by state or federal statute or court order.

(d) Subject to section 22 of this chapter, the state board shall adopt rules under IC 4-22-2 to do the following:

- (1) Adopt, validate, and implement the examination or other procedures required by subsection (b).
- (2) Establish examination scores indicating proficiency.
- (3) Otherwise carry out the purposes of this section.

(e) Subject to section 18 of this chapter, the state board shall adopt rules under IC 4-22-2 establishing the conditions under which the requirements of this section may be waived for an individual holding a valid teacher's license issued by another state.

SECTION 10. IC 20-32-5.1-17, AS AMENDED BY P.L.211-2021, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 17. (a) The state board shall approve two (2) or more benchmark, formative, interim, or similar assessments to identify students that require remediation and provide individualized instruction in which a school corporation, charter school, state accredited nonpublic school, or eligible school (as defined in IC 20-51-1-4.7) may receive a grant under subsection (g).

(b) For a benchmark, formative, interim, or similar assessment described in subsection (a) that is administered to students in kindergarten through grade 2, the assessment must meet one (1) or



more of the following:

(1) The assessment:

(A) focuses on English/language arts; and

(B) shows alignment, verified by a third party, to Indiana's academic standards for English/language arts domains, specifically foundational reading skills.

(2) The assessment is a universal screener ~~focusing on literacy~~ that:

(A) meets the screening requirements listed in IC 20-35.5-2-2;

~~(B) shows alignment, verified by a third party, to Indiana's academic standards for English/language arts domains, specifically~~ **measures** foundational reading skills; and

(C) received a convincing or partially convincing rating for accuracy, reliability, and validity by the National Center on Intensive Intervention **or a nationally recognized dyslexia assessment expert.**

(3) The assessment focuses on numeracy and shows alignment, verified by a third party, to Indiana's academic standards for mathematical domains, specifically:

(A) number sense;

(B) computation and algebraic thinking; and

(C) measurement.

(c) For a benchmark, formative, interim, or similar assessment described in subsection (a) that is administered to students in grades 3 through 7, the assessment must show alignment, verified by a third party, to Indiana's academic standards.

(d) For a benchmark, formative, interim, or similar assessment described in subsection (a) that is administered to students in grades 8 through 10, the assessment must show alignment, verified by a third party, to:

(1) Indiana's academic standards; or

(2) the nationally recognized college entrance exam required to be administered under section 7 of this chapter.

(e) **This subsection does not apply to an assessment that is a universal screener described in subsection (b)(2).** The majority of the benchmark, formative, interim, or similar assessment reporting must indicate the degree to which students are on track for grade level proficiency and college and career readiness. Approved assessments must also provide predictive study results for student performance on the statewide assessment under section 7 of this chapter, not later than two (2) years after the summative assessment has been first administered.



(f) **This subsection does not apply to an assessment that is a universal screener described in subsection (b)(2).** A school corporation, charter school, state accredited nonpublic school, or eligible school (as defined in IC 20-51-1-4.7) may elect to administer a benchmark, formative, interim, or similar assessment described in subsection (a). If a school corporation, charter school, state accredited nonpublic school, or eligible school (as defined in IC 20-51-1-4.7) administers an assessment described in subsection (a), the school corporation, charter school, state accredited nonpublic school, or eligible school (as defined in IC 20-51-1-4.7) may prescribe the time and the manner in which the assessment is administered.

(g) If a school corporation, charter school, state accredited nonpublic school, or eligible school (as defined in IC 20-51-1-4.7) elects to administer a benchmark, formative, interim, or similar assessment described in subsection (a), the school corporation, charter school, state accredited nonpublic school, or eligible school (as defined in IC 20-51-1-4.7) is entitled to receive a grant or reimbursement from the department in an amount not to exceed the cost of the assessment. The department shall provide grants and reimbursements to a school corporation, charter school, state accredited nonpublic school, or eligible school (as defined in IC 20-51-1-4.7) under this section from money appropriated to the department for the purpose of carrying out this section.

(h) The state board and the department may not contract with, approve, or endorse the use of a single vendor to provide benchmark, formative, interim, or similar assessments for any grade level or levels of kindergarten through grade 7.

(i) Before the state board may approve a benchmark, formative, interim, or similar assessment described in subsection (a), the assessment vendor must enter into a data share agreement with the department in the manner prescribed by the department.

SECTION 11. IC 20-32-8.5-2, AS AMENDED BY P.L.160-2012, SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 2. (a) Except as provided in subsection (b) or (c), the plan required by this chapter must include the following:

- (1) Reading skill standards for grade 1 through grade 3.
- (2) An emphasis on a method for making determinant evaluations by grade 3 that might require remedial action for the student, including retention as a last resort, after other methods of remediation have been evaluated or used, or both, if reading skills are below the standard. Appropriate consultation with parents or guardians must be part of the plan.



(3) Requirements for a public school maintained by a school corporation in which fewer than seventy percent (70%) of students of the school achieved a valid passing score on the determinant evaluation of reading skills approved by the state board. The requirements for the public schools described in this subdivision must include the following:

(A) Use of curriculum that is:

- (i) based on the science of reading; and**
- (ii) approved by the department.**

(B) Employment of an instructional coach trained in the science of reading.

(C) Administration of the determinant evaluation of reading skills approved by the state board to students in grade 2.

(D) Use of only benchmark, formative, interim, or similar assessments that:

- (i) show alignment with Indiana's academic standards; and**
- (ii) are approved by the department.**

⊕ **(4)** The fiscal impact of each component of the plan, if any. In determining whether a component has a fiscal impact, consideration shall be given to whether the component will increase costs to the state or a school corporation or require the state or school corporation to reallocate resources.

(b) For a charter school, as defined in IC 20-24-1-4, a plan may include only the following:

- (1) A method for making determinant evaluations of reading skills by grade 3.
- (2) Retention as a last resort for students reading below grade level as measured by the evaluation or assessment.

(c) This subsection applies to a public school that is not a charter school. A school corporation may receive a waiver of the requirements provided in 511 IAC 6.2-3.1-4(a)(2) if the state board approves an alternative reading plan provided by the school corporation.

SECTION 12. IC 20-35-6-2, AS AMENDED BY P.L.43-2021, SECTION 118, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The secretary of education may contract with in-state or out-of-state public and private schools, state agencies, or child caring institutions (as defined in IC 12-7-2-29(1)) to pay, with any funds appropriated for this purpose, the excess costs of educating children of school age:

- (1) who have been identified as eligible for special education



services; and

(2) whose disability is of such intensity as to preclude achievement in the existing local public school setting.

The state shall pay the costs of the services that exceed ~~the regular cost of educating children of the same age and grade level in the child's school corporation. The school corporation shall pay the share of the total tuition cost that is the regular per capita cost of general education in that school corporation.~~ **the amount a school corporation is required to pay, as determined by the department under subsection (b).**

(b) The department shall determine the amount a school corporation must pay before the state will pay excess costs described in subsection (a). At a minimum, school corporations shall pay their share of the total tuition costs for children with disabilities served under this section.

(c) The state board shall adopt rules under IC 4-22-2 necessary to implement this section.

(d) Money appropriated for the purposes of this section does not revert to the state general fund.

SECTION 13. An emergency is declared for this act.



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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