



Reprinted
April 18, 2023

ENGROSSED HOUSE BILL No. 1591

DIGEST OF HB 1591 (Updated April 17, 2023 5:41 pm - DI 110)

Citations Affected: IC 5-15; IC 12-7; IC 12-17.2; IC 20-18; IC 20-19; IC 20-25.7; IC 20-26; IC 20-28; IC 20-31; IC 20-35; IC 21-13.

Synopsis: Education matters. Requires the Indiana archives and records administration to: (1) establish procedures to retain an original record, document, plat, paper, or instrument-in-writing in an electronic format; (2) establish a period of time after which an original record, document, plat, paper, or instrument-in-writing may be destroyed; and (3) prepare and submit, not later than November 1, 2023, a report to the general assembly regarding these matters. Amends the duties of the early learning advisory committee. Changes the prekindergarten pilot program to the prekindergarten program and removes the expiration date. Provides that, at least once every five years, the office, in cooperation with the department of education (department), must carry
(Continued next page)

Effective: July 1, 2023.

Behning, Clere

(SENATE SPONSORS — ROGERS, RAATZ, WALKER K, FORD J.D.)

January 19, 2023, read first time and referred to Committee on Education.
February 20, 2023, amended, reported — Do Pass.
February 22, 2023, read second time, ordered engrossed. Engrossed.
February 23, 2023, read third time, passed. Yeas 94, nays 0.

SENATE ACTION

March 6, 2023, read first time and referred to Committee on Education and Career Development.
March 23, 2023, amended, reported favorably — Do Pass; reassigned to Committee on Appropriations.
April 13, 2023, amended, reported favorably — Do Pass.
April 17, 2023, read second time, amended, ordered engrossed.

EH 1591—LS 7239/DI 143



out a longitudinal study regarding students who participate in the prekindergarten program. Amends requirements regarding cardiopulmonary resuscitation (CPR) for child care centers, child care homes, and child care ministries. Requires: (1) each public school to provide information to the department concerning certain physical injuries to employees; and (2) the department to report the information on the department's website. Amends innovation network school and participating innovation network charter school provisions regarding: (1) certain agreement requirements and limitations; (2) appeals to the state board of education regarding the failure to follow an agreement renewal process; and (3) negotiating the requirement of specific services. Allows an innovation network team or organizer to enter into an agreement with a school corporation to transfer the ownership of a school corporation facility to the team or organizer and provides that a transfer is not subject to provisions in the law concerning the transfer of vacant school buildings to charter schools. Provides that a school corporation may not require an innovation network team or an organizer to contract for specific goods or services provided by the school corporation or any other entity. Requires information regarding certain possible criminal activity, concluded personnel matter investigations, and matters involving legal expenses be provided to the governing body of a school corporation. Provides that at-risk students who are receiving certain educational services are not included in a public school's four year graduation rate and are included in an eligible school's graduation rate under certain conditions. Amends the definition of "teacher" regarding certain teacher compensation provisions and requires a school corporation to expend at least 62% of the school corporation's tuition support on teacher compensation. (Current law requires a school corporation to expend at least 45%.) Requires special education grade 8 through 12 case conference committees to discuss decision making skills and alternatives to appointing a guardian. Provides that money in the science, technology, engineering, and mathematics (STEM) teacher recruitment fund (fund) may be used to provide grants to Indiana organizations that recruit STEM teachers for employment by Indiana school corporations or charter schools. (Current law provides that money in the fund may be used to provide grants to Indiana organizations that recruit STEM teachers for employment by Indiana school corporations.) Provides that, at a case conference committee meeting regarding a transition individualized education program, a public school shall provide to a parent and student written information concerning community intellectual disability and other developmental disabilities centers that are located or provide services in the county in which the student resides.



Reprinted
April 18, 2023

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.

ENGROSSED HOUSE BILL No. 1591

A BILL FOR AN ACT to amend the Indiana Code concerning education.

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

- 1 SECTION 1. IC 5-15-1-2 IS ADDED TO THE INDIANA CODE
2 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**
3 **1, 2023]: Sec. 2. (a) For purposes of this section, "administration"**
4 **refers to the Indiana archives and records administration created**
5 **by IC 5-15-5.1.**
6 **(b) The administration shall do the following:**
7 **(1) Establish procedures to retain an original record,**
8 **document, plat, paper, or instrument-in-writing described in**
9 **section 1 of this chapter in an electronic format.**
10 **(2) After the administration has established a procedure**
11 **described in subdivision (1), establish a period of time after**
12 **which an original record, document, plat, paper, or**
13 **instrument-in-writing may be destroyed.**
14 **(3) Not later than November 1, 2023, prepare and submit a**
15 **report to the general assembly in an electronic format under**

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**IC 5-14-6 regarding the:
(A) procedure established under subdivision (1); and
(B) period of time established under subdivision (2).**

This subdivision expires July 1, 2024.

SECTION 2. IC 12-7-2-91, AS AMENDED BY P.L.184-2017, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 91. "Fund" means the following:

- (1) For purposes of IC 12-12-1-9, the fund described in IC 12-12-1-9.
- (2) For purposes of IC 12-15-20, the meaning set forth in IC 12-15-20-1.
- (3) For purposes of IC 12-17-12, the meaning set forth in IC 12-17-12-4.
- (4) For purposes of IC 12-17.2-7.2, the meaning set forth in IC 12-17.2-7.2-4.7.**
- ~~(4)~~ **(5)** For purposes of IC 12-17.6, the meaning set forth in IC 12-17.6-1-3.
- ~~(5)~~ **(6)** For purposes of IC 12-23-2, the meaning set forth in IC 12-23-2-1.
- ~~(6)~~ **(7)** For purposes of IC 12-23-18, the meaning set forth in IC 12-23-18-4.
- ~~(7)~~ **(8)** For purposes of IC 12-24-6, the meaning set forth in IC 12-24-6-1.
- ~~(8)~~ **(9)** For purposes of IC 12-24-14, the meaning set forth in IC 12-24-14-1.
- ~~(9)~~ **(10)** For purposes of IC 12-30-7, the meaning set forth in IC 12-30-7-3.

SECTION 3. IC 12-7-2-139.3 IS REPEALED [EFFECTIVE JULY 1, 2023]. ~~Sec. 139.3. "Pilot fund", for purposes of IC 12-17.2-7.2, has the meaning set forth in IC 12-17.2-7.2-4.7.~~

SECTION 4. IC 12-17.2-3.8-5, AS AMENDED BY P.L.139-2022, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 5. (a) The early learning advisory committee is established to do the following:

- (1) Establish child developmental and educational goals for Indiana's early learning system, including the development of standards and objectives for early education programs that receive state or federal funds.
- (2) Design and maintain an approach to measuring progress toward the goals established under subdivision (1) that include objective measures of academic quality.
- (3) Assess the attainment of the goals established under



- 1 subdivision (1) and evaluate the efficacy of state and federal
 2 spending on Indiana's early learning system.
- 3 (4) Assess whether the requirements for early education program
 4 licensure:
- 5 (A) create an equitable standard for health and safety across all
 6 early education program types;
- 7 (B) reinforce the goals established under subdivision (1); and
- 8 (C) support the sustainability of Indiana's early learning
 9 system.
- 10 (5) Conduct periodic statewide needs assessments concerning the
 11 quality and availability of early education programs for children
 12 from birth to the age of school entry, including the availability of
 13 high quality prekindergarten education for low income children
 14 in Indiana.
- 15 (6) Identify opportunities for, and barriers to, collaboration and
 16 coordination among federally and state funded child development,
 17 child care, and early childhood education programs and services,
 18 including governmental agencies that administer the programs
 19 and services.
- 20 (7) Design early education workforce strategies, including
 21 recommendations on how to advance professional development.
- 22 (8) Assess the capacity and effectiveness of pathways to support
 23 training and recruitment of early educators.
- 24 (9) Not later than November 30 of each year, develop and make
 25 recommendations to the governor and, in an electronic format
 26 under IC 5-14-6, to the legislative council concerning the results
 27 of the committee's work under subdivisions (1) through (8).
- 28 **(10) Not later than July 1, 2024, commission a third party**
 29 **evaluation to assess existing regulations for child care**
 30 **providers and provide recommendations to:**
- 31 **(A) maintain health and safety standards;**
- 32 **(B) streamline administrative burdens, program**
 33 **standards, and reporting requirements for child care**
 34 **providers;**
- 35 **(C) provide flexibility for a child care provider with a**
 36 **Level 3 or Level 4 paths to QUALITY program rating to**
 37 **expand to other locations; and**
- 38 **(D) assist accredited kindergarten through grade 12**
 39 **institutions in establishing and providing high quality**
 40 **onsite child care and early learning programs.**
- 41 **This subdivision expires January 1, 2025.**
- 42 **(11) Not later than December 31, 2023, develop**



1 **recommendations for implementing a revised paths to**
 2 **QUALITY program that:**

3 **(A) maintains health and safety standards;**

4 **(B) integrates objective measures of kindergarten**
 5 **readiness;**

6 **(C) contemplates accredited kindergarten through grade**
 7 **12 institutions as onsite providers; and**

8 **(D) incentivizes child care providers to increase wages for**
 9 **child care workers who complete education and training**
 10 **that result in a postsecondary degree or industry**
 11 **recognized credential.**

12 **This subdivision expires July 1, 2024.**

13 (b) The committee consists of the following thirteen (13) members:

14 (1) The secretary of education or the secretary's designee.

15 (2) The secretary of family and social services or the secretary's
 16 designee.

17 (3) Seven (7) members appointed by the governor as follows:

18 (A) A representative of an organization with an interest in
 19 training the early childhood education workforce.

20 (B) A representative of a Head Start program under 42 U.S.C.
 21 9831 et seq.

22 (C) A member of the general public who has an interest in
 23 early childhood education.

24 (D) A representative of an early childhood education provider.

25 (E) A representative from a school corporation who has an
 26 interest in strengthening the transition from early childhood
 27 education to elementary education.

28 (F) A representative of business with an interest in early
 29 childhood education.

30 (G) A representative of the nonprofit or philanthropic
 31 community with an interest in early childhood education.

32 (4) One (1) member who:

33 (A) is appointed by the speaker of the house of representatives;

34 (B) is not a member of the general assembly; and

35 (C) shall serve as a nonvoting member.

36 (5) One (1) member who:

37 (A) is appointed by the president pro tempore of the senate;

38 (B) is not a member of the general assembly; and

39 (C) shall serve as a nonvoting member.

40 (6) One (1) member who:

41 (A) is appointed by the minority leader of the house of
 42 representatives;



- 1 (B) is not a member of the general assembly; and
 2 (C) shall serve as a nonvoting member.
 3 (7) One (1) member who:
 4 (A) is appointed by the minority leader of the senate;
 5 (B) is not a member of the general assembly; and
 6 (C) shall serve as a nonvoting member.
 7 (c) Subject to section 5.1 of this chapter, members appointed under
 8 subsection (b)(3) through (b)(7) serve for three (3) year terms. The
 9 members of the committee serve at the pleasure of the appointing
 10 authority.
 11 (d) The governor shall appoint a member of the committee to serve
 12 as chairperson of the committee. The committee shall meet at least six
 13 (6) times each calendar year at the call of the chairperson.
 14 (e) The division shall, in consultation with the department of
 15 education, staff the committee.
 16 (f) The expenses of the committee shall be paid from the funds of
 17 the division.
 18 (g) Each member of the committee who is not a state employee is
 19 entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b).
 20 The member is also entitled to reimbursement for traveling expenses
 21 as provided under IC 4-13-1-4 and other expenses actually incurred in
 22 connection with the member's duties as provided in the state policies
 23 and procedures established by the Indiana department of administration
 24 and approved by the budget agency.
 25 (h) Each member of the committee who is a state employee but who
 26 is not a member of the general assembly is entitled to reimbursement
 27 for traveling expenses as provided under IC 4-13-1-4 and other
 28 expenses actually incurred in connection with the member's duties as
 29 provided in the state policies and procedures established by the Indiana
 30 department of administration and approved by the budget agency.
 31 (i) Each member of the committee who is a member of the general
 32 assembly is entitled to receive the same per diem, mileage, and travel
 33 allowances paid to legislative members of interim study committees
 34 established by the legislative council. Per diem, mileage, and travel
 35 allowances paid under this section shall be paid from appropriations
 36 made to the legislative council or the legislative services agency.
 37 (j) The affirmative votes of a majority of the voting members
 38 appointed to the committee are required for the committee to take
 39 action on any measure, including final reports.
 40 SECTION 5. IC 12-17.2-4-2, AS AMENDED BY P.L.128-2012,
 41 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2023]: Sec. 2. (a) A license may be issued only if a child care



1 center is in compliance with food, health, safety, and sanitation
 2 standards as determined by the division under rules adopted by the
 3 division under IC 12-17.2-2-4 or in accordance with a variance or
 4 waiver approved by the division under IC 12-17.2-2-10.

5 (b) A license may be issued only if the child care center is in
 6 substantial compliance with the fire and life safety rules as determined
 7 by the state fire marshal under rules adopted by the division under
 8 IC 12-17.2-2-4 or in accordance with a variance or waiver approved by
 9 the division under IC 12-17.2-2-10.

10 (c) The division may issue a waiver or variance regarding a
 11 determination by the division or the state fire marshal under
 12 subsections (a) and (b).

13 (d) At least one (1) adult individual who maintains ~~annual~~ **current**
 14 certification in a course of cardiopulmonary resuscitation applicable to
 15 all age groups of children cared for by the child care center shall be
 16 present at all times when a child is in the care of a child care center.
 17 **Certifications accepted under this subsection must include a live**
 18 **return demonstration of skills.**

19 (e) An individual who:

- 20 (1) is employed; or
 21 (2) volunteers;

22 as a caregiver at a child care center shall maintain current certification
 23 in first aid applicable to all age groups of children cared for by the
 24 child care center.

25 SECTION 6. IC 12-17.2-5-18.2 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 18.2. (a) At least one
 27 (1) adult individual who maintains ~~annual~~ **current** certification in a
 28 course of cardiopulmonary resuscitation applicable to all age groups of
 29 children cared for by the child care home shall be present at all times
 30 when a child is in the care of a child care home. **Certifications**
 31 **accepted under this subsection must include a live return**
 32 **demonstration of skills.**

33 (b) An individual who:

- 34 (1) is employed; or
 35 (2) volunteers;

36 as a caregiver at a child care home shall maintain current certification
 37 in first aid applicable to all age groups of children cared for by the
 38 child care home.

39 SECTION 7. IC 12-17.2-6-7.5, AS ADDED BY P.L.9-2020,
 40 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2023]: Sec. 7.5. (a) At least one (1) adult individual who
 42 maintains ~~annual~~ **current** certification in a course of cardiopulmonary



1 resuscitation applicable to all age groups of children cared for by the
 2 child care ministry shall be present at all times when a child is in the
 3 care of a child care ministry. **Certifications accepted under this**
 4 **subsection must include a live return demonstration of skills.**

5 (b) An individual who:

- 6 (1) is employed; or
 7 (2) volunteers;

8 as a caregiver at a child care ministry shall maintain current
 9 certification in first aid applicable to all age groups of children cared
 10 for by the child care ministry.

11 SECTION 8. IC 12-17.2-7.2-2.5, AS ADDED BY P.L.268-2019,
 12 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2023]: Sec. 2.5. As used in this chapter, "limited eligibility
 14 child" refers to an individual who:

- 15 (1) is at least four (4) years of age and less than five (5) years of
 16 age on August 1 of the state fiscal year for which a grant is sought
 17 under the prekindergarten ~~pilot~~ program;
 18 (2) is a resident of Indiana or otherwise has legal settlement in
 19 Indiana, as determined under IC 20-26-11;
 20 (3) receives qualified early education services from an eligible
 21 provider, as determined by the office;
 22 (4) has a parent or guardian who agrees to ensure that the child
 23 meets the attendance requirements determined by the office;
 24 (5) has a parent or guardian who participates in a parental
 25 engagement and involvement component provided by the eligible
 26 provider;
 27 (6) is a member of a household with an annual income that does
 28 not exceed one hundred eighty-five percent (185%) of the federal
 29 poverty level;
 30 (7) meets the requirements of section 7.2(b) and 7.2(c) of this
 31 chapter; and
 32 (8) is not an eligible child.

33 SECTION 9. IC 12-17.2-7.2-4.7, AS ADDED BY P.L.184-2017,
 34 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2023]: Sec. 4.7. As used in this chapter, "~~pilot~~ fund" refers
 36 to the prekindergarten ~~pilot~~ program fund established by section 13.5
 37 of this chapter.

38 SECTION 10. IC 12-17.2-7.2-5, AS AMENDED BY P.L.184-2017,
 39 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2023]: Sec. 5. As used in this chapter, "prekindergarten ~~pilot~~
 41 program" refers to the prekindergarten ~~pilot~~ program established under
 42 section 7 of this chapter.



1 SECTION 11. IC 12-17.2-7.2-7, AS AMENDED BY P.L.268-2019,
 2 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2023]: Sec. 7. (a) The office ~~may establish~~ a prekindergarten
 4 **pilot program is established** to provide grants for:

- 5 (1) qualified early education services in a manner consistent with
 6 how funds are distributed under the Child Care and Development
 7 Fund (CCDF) grant program; and
 8 (2) expansion plans as described in section 7.4(a)(2) of this
 9 chapter.

10 (b) The office shall administer the prekindergarten **pilot** program.
 11 The prekindergarten **pilot** program may include:

- 12 (1) eligible providers in Indiana; and
 13 (2) potential eligible providers or existing eligible providers as
 14 described in section 7.4 of this chapter.

15 (c) ~~Before July 1, 2017, the prekindergarten pilot program includes~~
 16 ~~eligible providers in the following pilot counties:~~

- 17 (1) ~~Allen.~~
 18 (2) ~~Jackson.~~
 19 (3) ~~Lake.~~
 20 (4) ~~Marion.~~
 21 (5) ~~Vanderburgh.~~

22 The total number of grants the office awards to eligible children in a
 23 county listed in this subsection during a state fiscal year may not be
 24 less than the total number of grants the office awarded to eligible
 25 children in that county during the immediately preceding state fiscal
 26 year unless the office determines that there is an insufficient number of
 27 eligible children or eligible providers in the county to justify the total
 28 number of grants for that county. Beginning July 1, 2020, the total
 29 number of grants during the immediately preceding state fiscal year
 30 shall include the number of grants issued under a preschool program
 31 established in March 2015 that operates in a consolidated city.

32 (d) ~~After June 30, 2017, and before July 1, 2019, in addition to the~~
 33 ~~counties listed under subsection (c), the prekindergarten pilot program~~
 34 ~~includes eligible providers in fifteen (15) additional counties. In~~
 35 ~~determining which counties are designated as pilot counties under this~~
 36 ~~subsection, the office shall give preference to counties that are~~
 37 ~~primarily rural. The total number of grants the office awards to eligible~~
 38 ~~children in a county designated under this subsection during a state~~
 39 ~~fiscal year may not be less than the total number of grants the office~~
 40 ~~awarded to eligible children in that county during the immediately~~
 41 ~~preceding state fiscal year unless the office determines that there is an~~
 42 ~~insufficient number of eligible children or eligible providers in the~~



1 county to justify the total number of grants for that county.

2 ~~(e)~~ In addition to the counties listed in subsection ~~(c)~~ and counties
3 designated under subsection ~~(d)~~, ~~(d)~~ The prekindergarten pilot program
4 includes eligible providers in any county in Indiana.

5 ~~(f)~~ ~~(e)~~ Subject to the requirements of this chapter, the office shall
6 determine:

7 (1) the eligibility requirements, application process, and selection
8 process for awarding grants under the prekindergarten pilot
9 program;

10 (2) the administration and reporting requirements for:

11 (A) eligible providers; and

12 (B) potential eligible providers or existing eligible providers;
13 participating in the prekindergarten pilot program; and

14 (3) with the assistance of the early learning advisory committee,
15 an appropriate outcomes based accountability system for:

16 (A) eligible providers; and

17 (B) potential eligible providers or existing eligible providers.

18 ~~(g)~~ Before implementing the prekindergarten pilot program, the
19 office shall submit the provisions of the prekindergarten pilot program
20 to the state board of education for the state board of education's review
21 and comment.

22 ~~(h)~~ ~~(f)~~ The office shall, subject to the availability of funding,
23 determine the number of eligible children who will participate in the
24 prekindergarten pilot program. After December 31, 2019, the office
25 shall, subject to the availability of funding, determine the number of
26 limited eligibility children who will participate in the prekindergarten
27 pilot program.

28 SECTION 12. IC 12-17.2-7.2-7.3, AS AMENDED BY
29 P.L.268-2019, SECTION 10, IS AMENDED TO READ AS
30 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 7.3. The office shall
31 require, for an eligible provider to enroll in the prekindergarten pilot
32 program, that the eligible provider agree to the following:

33 (1) Comply on a continuing basis with the requirements under this
34 chapter and rules for participation established by the office.

35 (2) Maintain eligibility under this chapter throughout the
36 prekindergarten program year.

37 (3) Report immediately any changes in eligibility status to the
38 office, including the eligible provider's loss of national or regional
39 accreditation.

40 (4) Participate in any training and mandatory meetings required
41 by the office.

42 (5) Participate in all onsite visits conducted by the office,



- 1 including fiscal auditing activities with regard to the
2 prekindergarten ~~pilot~~ program and prekindergarten program
3 activity monitoring.
- 4 (6) Allow families of eligible or limited eligibility children
5 enrolled in the prekindergarten program of the eligible provider
6 to visit at any time the prekindergarten program is in operation.
- 7 (7) Maintain accurate online attendance records through the
8 attendance portal for eligible or limited eligibility children
9 enrolled in the prekindergarten ~~pilot~~ program and submit
10 attendance records as required by the office.
- 11 (8) Offer parental engagement and involvement activities in the
12 prekindergarten program of the eligible provider in alignment
13 with the family engagement framework adopted by the early
14 learning advisory committee established by IC 12-17.2-3.8-5.
- 15 (9) Complete, within the period established by the office, the
16 Indiana early childhood family engagement toolkit, including the
17 family engagement self-assessment, adopted by the early learning
18 advisory committee.
- 19 (10) Share information on the family engagement self-assessment
20 described in subdivision (9) as required by the office.
- 21 (11) Participate in research studies as required by the office.
- 22 (12) Enforce minimum attendance requirements of at least
23 eighty-five percent (85%) of the days that the prekindergarten
24 program of the eligible provider is offered to an eligible or limited
25 eligibility child.
- 26 (13) Inform the office that an eligible or limited eligibility child
27 has withdrawn from the prekindergarten program of the eligible
28 provider not later than five (5) days after the eligible or limited
29 eligibility child is withdrawn.
- 30 (14) That retroactive repayment to the state may be required or
31 future payments may be adjusted as a result of the withdrawal of
32 an eligible or limited eligibility child or changes in the law.
- 33 (15) Maintain records of participation by a family of an eligible
34 or limited eligibility child in family engagement activities and
35 submit records as required by the office.
- 36 (16) Promote an eligible or limited eligibility child's social,
37 emotional, and behavioral health and eliminate or severely limit
38 the use of expulsion, suspension, and other exclusionary
39 discipline practices.
- 40 (17) Use the exclusionary discipline practices described in
41 subdivision (16) only as a last resort in extraordinary
42 circumstances when there is a determination of a serious safety



- 1 threat that cannot otherwise be reduced or eliminated by the
- 2 provision of reasonable modifications.
- 3 (18) Inform and receive approval from the office before the
- 4 eligible provider expels, suspends, or uses other exclusionary
- 5 discipline practices.
- 6 (19) Assist a parent or guardian, upon request by the parent or
- 7 guardian, in obtaining information from, referral to, or both
- 8 information from and referral to, the public school that serves the
- 9 attendance area in which the parent or guardian resides for an
- 10 educational evaluation and determination of eligibility for special
- 11 education services if developmental delays or reasons to suspect
- 12 a disability are observed by the parent, guardian, or teacher of an
- 13 eligible or limited eligibility child during the prekindergarten
- 14 program year.
- 15 SECTION 13. IC 12-17.2-7.2-7.4, AS AMENDED BY
- 16 P.L.268-2019, SECTION 11, IS AMENDED TO READ AS
- 17 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 7.4. (a) To qualify as
- 18 a potential eligible provider or existing eligible provider, an applicant
- 19 must:
- 20 (1) provide an expansion plan to the office that details the
- 21 potential eligible provider's or existing eligible provider's plan to:
- 22 (A) increase the capacity of providers of qualified early
- 23 education services to serve a greater number of eligible or
- 24 limited eligibility children;
- 25 (B) increase the number of providers of qualified early
- 26 education services; or
- 27 (C) increase the capacity as described in clause (A) and
- 28 increase the number as described in clause (B);
- 29 (2) comply with the agreement with the office concerning the plan
- 30 under subdivision (1) and the use of a grant awarded under this
- 31 chapter;
- 32 (3) agree:
- 33 (A) to operate as an eligible provider; or
- 34 (B) that the applicant intends to operate as an eligible
- 35 provider;
- 36 (4) agree that the applicant will not use any grant funds awarded
- 37 under this section for capital expenditures; and
- 38 (5) comply with any other standards and procedures established
- 39 under this chapter.
- 40 (b) Subject to subsections (c) and (d), the office may award a grant
- 41 to an applicant that meets the requirements of subsection (a).
- 42 (c) The office may not use more than a total of twenty percent (20%)



- 1 of the money in the ~~pilot~~ fund each state fiscal year:
- 2 (1) for grants awarded under this chapter to potential eligible
- 3 providers and existing eligible providers for expansion plans; and
- 4 (2) to meet any state match amounts required for a federal grant
- 5 described in subsection (f).
- 6 (d) The office may not award grant funds under this section to an
- 7 applicant for any of the following:
- 8 (1) The purchase of land or a building.
- 9 (2) The construction or expansion of a building.
- 10 (e) If a potential eligible provider or existing eligible provider fails
- 11 to:
- 12 (1) use the grant funds in accordance with the expansion plan
- 13 described in subsection (a); or
- 14 (2) comply with the agreement entered into with the office under
- 15 subsection (a);
- 16 the potential eligible provider or existing eligible provider shall repay
- 17 to the office the total amount of the grant awarded to the potential
- 18 eligible provider or existing eligible provider under this chapter.
- 19 (f) The office may use money in the ~~pilot~~ fund that is allocated for
- 20 expansion plans under this section for a state fiscal year to meet any
- 21 state match amounts required for a federal grant if the purpose of the
- 22 federal grant is that the grant money be used for increasing:
- 23 (1) the capacity;
- 24 (2) the number; or
- 25 (3) both the capacity and number;
- 26 of providers of early education services for children four (4) years of
- 27 age.
- 28 SECTION 14. IC 12-17.2-7.2-7.5, AS AMENDED BY
- 29 P.L.184-2017, SECTION 24, IS AMENDED TO READ AS
- 30 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 7.5. The office may
- 31 adopt rules under IC 4-22-2 concerning the implementation and the
- 32 administration of the prekindergarten ~~pilot~~ program.
- 33 SECTION 15. IC 12-17.2-7.2-7.8, AS AMENDED BY
- 34 P.L.268-2019, SECTION 12, IS AMENDED TO READ AS
- 35 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 7.8. (a) The office shall
- 36 make random onsite inspections each year, as determined necessary by
- 37 the office, at the facility of:
- 38 (1) an eligible provider; or
- 39 (2) a potential eligible provider or existing eligible provider;
- 40 that receives a grant under this chapter.
- 41 (b) The office may determine that an eligible provider or potential
- 42 eligible provider or existing eligible provider is not eligible to receive



1 a grant under the prekindergarten ~~pilot~~ program if the eligible provider
 2 or potential eligible provider or existing eligible provider:

3 (1) fails to comply with this chapter; or

4 (2) refuses to allow, during normal business hours, the office or
 5 an agent of the office to inspect the facility at which the eligible
 6 provider or potential eligible provider or existing eligible provider
 7 operates a child care program for eligible or limited eligibility
 8 children.

9 SECTION 16. IC 12-17.2-7.2-8.1, AS AMENDED BY
 10 P.L.216-2021, SECTION 5, IS AMENDED TO READ AS FOLLOWS
 11 [EFFECTIVE JULY 1, 2023]: Sec. 8.1. (a) If funds are appropriated by
 12 the general assembly, grants to limited eligibility children may not
 13 exceed:

14 (1) twenty percent (20%) of the amount appropriated for a
 15 particular state fiscal year if families with children four (4) years
 16 of age are on the waiting list for funds available under the Child
 17 Care Development Fund; or

18 (2) forty percent (40%) of the amount appropriated for a
 19 particular state fiscal year if there is no waiting list for children
 20 four (4) years of age for funds available under the Child Care
 21 Development Fund.

22 (b) During the priority enrollment period, the office shall provide
 23 grants to eligible children in the prekindergarten ~~pilot~~ program on a
 24 first-come, first-served basis. The office shall date stamp and reserve
 25 applications for limited eligibility children received during the priority
 26 enrollment period for processing during the extended enrollment
 27 period.

28 (c) During the extended enrollment period, the office shall provide
 29 grants to eligible children and limited eligibility children in the
 30 prekindergarten ~~pilot~~ program on a first-come, first-served basis to the
 31 extent of available funding and in accordance with the limit established
 32 by subsection (a).

33 SECTION 17. IC 12-17.2-7.2-11, AS AMENDED BY
 34 P.L.165-2021, SECTION 142, IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 11. Except as provided
 36 under IC 20-51-1-4.3(4)(E), the receipt of a grant under the ~~pilot~~
 37 **prekindergarten** program does not qualify, nor have an effect on the
 38 qualification or eligibility, of a child for a choice scholarship under
 39 IC 20-51-4.

40 SECTION 18. IC 12-17.2-7.2-12, AS AMENDED BY
 41 P.L.184-2017, SECTION 29, IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 12. (a) **At least once**

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1 **every five (5) years, the office, in cooperation with the department**
 2 **of education,** shall carry out a longitudinal study of students who
 3 participate in the prekindergarten ~~pilot~~ program to determine the
 4 achievement levels of those students in kindergarten and later grades.

5 (b) The longitudinal study must include a comparison of test and
 6 assessment results in grade 3 of:

7 (1) the eligible children who participated in the prekindergarten
 8 ~~pilot~~ program; and

9 (2) a control group determined by the office that consists of
 10 children who did not participate in the prekindergarten ~~pilot~~
 11 program.

12 (c) The office may, after consulting with the state board of
 13 education, enter into a contract with one (1) or more persons to carry
 14 out the longitudinal study under this section. The office may expend
 15 not more than one million dollars (\$1,000,000) from the funds
 16 appropriated under section 9 of this chapter (repealed) to carry out the
 17 longitudinal study.

18 SECTION 19. IC 12-17.2-7.2-13, AS AMENDED BY
 19 P.L.268-2019, SECTION 15, IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 13. (a) The office shall,
 21 before November 1 of each year, submit a report to the governor, the
 22 budget committee, the state board of education, the department of
 23 education, and, in an electronic format under IC 5-14-6, the general
 24 assembly regarding the prekindergarten ~~pilot~~ program.

25 (b) The report under subsection (a) must include the following:

26 (1) The total number of children who received a grant under the
 27 prekindergarten ~~pilot~~ program for the immediately preceding state
 28 fiscal year, disaggregated by county.

29 (2) The total amount of funds budgeted for and spent under the
 30 prekindergarten ~~pilot~~ program during the immediately preceding
 31 state fiscal year.

32 (3) The balance remaining in the ~~pilot~~ fund at the end of the
 33 immediately preceding state fiscal year.

34 SECTION 20. IC 12-17.2-7.2-13.1, AS ADDED BY P.L.268-2019,
 35 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2023]: Sec. 13.1. The office shall post monthly on the office's
 37 ~~Internet web site website~~ the total enrollment of and number of grants
 38 awarded to:

39 (1) all eligible children (before January 1, 2020); and

40 (2) after December 31, 2019, both:

41 (A) all eligible children; and

42 (B) all limited eligibility children;



1 for each county that participates in the prekindergarten ~~pilot~~ program.

2 SECTION 21. IC 12-17.2-7.2-13.5, AS AMENDED BY
3 P.L.156-2020, SECTION 60, IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 13.5. (a) The
5 prekindergarten ~~pilot~~ program fund is established to:

6 (1) provide grants to eligible or limited eligibility children for
7 qualified early education services under this chapter;

8 (2) carry out the longitudinal study described in section 12 of this
9 chapter;

10 (3) provide grants to potential eligible providers and existing
11 eligible providers as set forth in section 7.4 of this chapter; and

12 (4) make payments to reimburse costs incurred to provide
13 in-home early education services under IC 12-17.2-7.5.

14 (b) The fund consists of:

15 (1) money appropriated to the fund by the general assembly; and

16 (2) grants or gifts to the fund.

17 (c) The fund shall be administered by the office.

18 (d) The expenses of administering the fund shall be paid from
19 money in the fund.

20 (e) Money in the fund is continuously appropriated for the purposes
21 provided under this article.

22 (f) The treasurer of state shall invest the money in the fund not
23 currently needed to meet the obligations of the fund in the same
24 manner as other public funds may be invested.

25 SECTION 22. IC 12-17.2-7.2-14 IS REPEALED [EFFECTIVE
26 JULY 1, 2023]. ~~Sec. 14. This chapter expires July 1, 2026.~~

27 SECTION 23. IC 12-17.2-7.5-4, AS AMENDED BY P.L.165-2021,
28 SECTION 143, IS AMENDED TO READ AS FOLLOWS
29 [EFFECTIVE JULY 1, 2023]: Sec. 4. (a) After completing the review
30 under section 3 of this chapter, the office may develop and implement
31 a reimbursement program to reimburse costs that are incurred by a
32 parent or guardian of a child to provide in-home early education
33 services to the child.

34 (b) If the office develops and implements a reimbursement program
35 under subsection (a), the office may not give preference to a child
36 located in a county that does not have a child care provider that meets
37 the standards of quality recognized by a Level 3 or Level 4 Paths to
38 QUALITY program rating located in the county.

39 (c) The office may develop reimbursement rates for the
40 reimbursement of in-home early education services.

41 (d) Reimbursement by the office under this section may be funded
42 from any of the following sources:

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- 1 (1) Federal grants.
 2 (2) State appropriations.
 3 (3) Money from a political subdivision (as defined in
 4 IC 36-1-2-13).
 5 (4) Money from the prekindergarten ~~pilot~~ program fund
 6 established by IC 12-17.2-7.2-13.5.

7 SECTION 24. IC 20-18-2-22, AS AMENDED BY P.L.165-2021,
 8 SECTION 148, IS AMENDED TO READ AS FOLLOWS
 9 [EFFECTIVE JULY 1, 2023]: Sec. 22. (a) "Teacher" means a
 10 professional person whose position in a school corporation requires
 11 certain educational preparation and licensing and whose primary
 12 responsibility is the instruction of students.

13 (b) Except as provided in ~~subsection~~ **subsections (d) and (e)**, for
 14 purposes of IC 20-28, the term includes the following:

- 15 (1) A superintendent who holds a license under IC 20-28-5.
 16 (2) A principal.
 17 (3) A teacher.
 18 (4) A librarian.
 19 (5) A school counselor.
 20 (6) A school psychologist.

21 (c) For purposes of IC 20-43-10-3.5, the term means a professional
 22 person whose position with a:

- 23 (1) school corporation;
 24 (2) special education cooperative established under IC 20-35-5;
 25 (3) cooperative career and technical education program;
 26 (4) special education program established by an interlocal
 27 agreement under IC 36-1-7;
 28 (5) joint program agreement established under IC 20-26-10; or
 29 (6) charter school;

30 requires a license (as defined in IC 20-28-1-7) and whose primary
 31 responsibility is the instruction of students in the classroom or virtual
 32 classroom.

33 (d) "Teacher", for purposes of IC 20-28-9-26 **and** IC 20-28-9-27,
 34 ~~and IC 20-28-9-28~~, means a classroom teacher licensed under
 35 IC 20-28-5 who provides instruction to students for at least fifty percent
 36 (50%) of the teacher's work day.

37 (e) "Teacher", for purposes of **IC 20-28-9-28**, means a
 38 **classroom teacher licensed under IC 20-28-5 who provides**
 39 **instruction to students for at least fifty percent (50%) of the**
 40 **teacher's work day. The term includes an adjunct teacher and**
 41 **permanent substitute teacher employed by a school corporation.**

42 SECTION 25. IC 20-19-3-17, AS ADDED BY P.L.186-2018,



1 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2023]: Sec. 17. (a) As used in this section, "foster care" has
3 the meaning set forth in IC 31-9-2-46.7.

4 (b) As used in this section, "foster care youth" means students in
5 foster care.

6 (c) As used in this section, "graduation rate" has the meaning set
7 forth in IC 20-26-13-6.

8 (d) The state board shall, in collaboration with the department and
9 the department of child services, annually prepare a report on foster
10 care youth educational outcomes that includes the following:

11 (1) The annual graduation rate of foster care youth, including the
12 following information:

13 (A) The graduation rate for each of the following:

14 (i) Foster care youth who received a graduation waiver
15 under IC 20-32-4-4.

16 (ii) Foster care youth who did not receive a graduation
17 waiver under IC 20-32-4-4.

18 (B) The number and percentage of foster care youth who
19 received each type of diploma.

20 (2) The adjusted cohort graduation rate for foster care youth,
21 including the adjusted cohort graduation rate for each of the
22 following:

23 (A) Foster care youth who received a graduation waiver under
24 IC 20-32-4-4.

25 (B) Foster care youth who did not receive a graduation waiver
26 under IC 20-32-4-4.

27 (3) The number and percentage for each of the following:

28 (A) Foster care youth who were promoted to the next grade
29 level at the end of the school year.

30 (B) Foster care youth who were retained in the same grade
31 level for the next school year.

32 (C) Foster care youth who were suspended during the school
33 year.

34 (D) Foster care youth who were expelled during the school
35 year.

36 (E) Foster care youth who met academic standards on
37 statewide assessment program tests (as defined in
38 IC 20-32-2-2.3) administered during the school year.

39 The information reported under this subdivision must also be
40 disaggregated by race, grade, gender, free or reduced price lunch
41 status, and eligibility for special education.

42 (4) The number and percentage of eligible foster care youth who



- 1 are enrolled in the prekindergarten ~~pilot~~ program under
- 2 IC 12-17.2-7.2.
- 3 (5) The number and percentage of foster care youth who passed
- 4 the reading skills evaluation administered under IC 20-32-8.5-2.
- 5 (6) The number and percentage of foster care youth enrolled in
- 6 schools, disaggregated by the category or designation of the
- 7 school under IC 20-31-8-3.
- 8 (7) The number and percentage of foster care youth enrolled in
- 9 schools, disaggregated by the type of school, including public
- 10 schools, charter schools, and secure private facilities (as defined
- 11 in IC 31-9-2-115).
- 12 (e) Not later than June 30, 2019, the department shall:
- 13 (1) after consulting with the department of child services, develop
- 14 a remediation plan concerning foster care youth; and
- 15 (2) submit a copy of the remediation plan to the following:
- 16 (A) The state board.
- 17 (B) The department of child services.
- 18 (C) The legislative council in an electronic format under
- 19 IC 5-14-6.
- 20 (f) Before April 1, 2019, and before April 1 each year thereafter, the
- 21 department shall submit the report described in subsection (d) to the
- 22 following:
- 23 (1) Department of child services.
- 24 (2) Legislative council in an electronic format under IC 5-14-6.
- 25 SECTION 26. IC 20-19-3-18, AS ADDED BY P.L.186-2018,
- 26 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 27 JULY 1, 2023]: Sec. 18. (a) As used in this section, "graduation rate"
- 28 has the meaning set forth in IC 20-26-13-6.
- 29 (b) The state board shall, in collaboration with the department and
- 30 the department of child services, annually prepare a report on homeless
- 31 youth educational outcomes that includes the following:
- 32 (1) The annual graduation rate of homeless youth, including the
- 33 following information:
- 34 (A) The graduation rate for each of the following:
- 35 (i) Homeless youth who received a graduation waiver under
- 36 IC 20-32-4-4.
- 37 (ii) Homeless youth who did not receive a graduation waiver
- 38 under IC 20-32-4-4.
- 39 (B) The number and percentage of homeless youth who
- 40 received each type of diploma.
- 41 (2) The adjusted cohort graduation rate for homeless youth,
- 42 including the adjusted cohort graduation rate for each of the



- 1 following:
- 2 (A) Homeless youth who received a graduation waiver under
- 3 IC 20-32-4-4.
- 4 (B) Homeless youth who did not receive a graduation waiver
- 5 under IC 20-32-4-4.
- 6 (3) The number and percentage of each of the following:
- 7 (A) Homeless youth who were promoted to the next grade
- 8 level at the end of the school year.
- 9 (B) Homeless youth who were retained in the same grade level
- 10 for the next school year.
- 11 (C) Homeless youth who were suspended during the school
- 12 year.
- 13 (D) Homeless youth who were expelled during the school year.
- 14 (E) Homeless youth who met academic standards on statewide
- 15 assessment program tests (as defined in IC 20-32-2-2.3)
- 16 administered during the school year.
- 17 The information reported under this subdivision must also be
- 18 disaggregated by race, grade, gender, free or reduced price lunch
- 19 status, and eligibility for special education.
- 20 (4) The number and percentage of eligible homeless youth who
- 21 are enrolled in the prekindergarten ~~pilot~~ program under
- 22 IC 12-17.2-7.2.
- 23 (5) The number and percentage of homeless youth who passed the
- 24 reading skills evaluation administered under IC 20-32-8.5-2.
- 25 (6) The number and percentage of homeless youth enrolled in
- 26 schools, disaggregated by the category or designation of the
- 27 school under IC 20-31-8-3.
- 28 (7) The number and percentage of homeless youth enrolled in
- 29 schools, disaggregated by the type of school, including public
- 30 schools, charter schools, and secure private facilities (as defined
- 31 in IC 31-9-2-115).
- 32 (c) Not later than August 31, 2019, the department shall:
- 33 (1) develop a remediation plan concerning homeless youth; and
- 34 (2) submit a copy of the remediation plan to the following:
- 35 (A) The state board.
- 36 (B) The Indiana housing and community development
- 37 authority established by IC 5-20-1-3.
- 38 (C) The legislative council in an electronic format under
- 39 IC 5-14-6.
- 40 (d) Before June 1, 2019, and before June 1 each year thereafter, the
- 41 department shall submit the report described in subsection (b) to the
- 42 following:



1 (1) The Indiana housing and community development authority.

2 (2) The legislative council in an electronic format under
3 IC 5-14-6.

4 SECTION 27. IC 20-19-3-27.5 IS ADDED TO THE INDIANA
5 CODE AS A NEW SECTION TO READ AS FOLLOWS
6 [EFFECTIVE JULY 1, 2023]: **Sec. 27.5. The department shall**
7 **establish and maintain on the department's website a public data**
8 **base of information provided by each public school in accordance**
9 **with IC 20-26-5-42 concerning employees of each public school**
10 **who were physically injured while on the job by students of the**
11 **public school.**

12 SECTION 28. IC 20-25.7-4-5, AS AMENDED BY P.L.269-2019,
13 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2023]: Sec. 5. (a) The board shall enter into an agreement
15 with an innovation network team to establish an innovation network
16 school or to reconstitute an eligible school as an innovation network
17 school under section 3 or 4 of this chapter. An innovation network team
18 may consist of or include teachers, a principal, a superintendent, or any
19 combination of these individuals who were employed at the eligible
20 school before the agreement is entered.

21 (b) The terms of the agreement must specify the following:

22 (1) A statement that the innovation network school is considered
23 to be part of the school corporation and not considered a separate
24 local educational agency.

25 (2) A statement that the innovation network team authorizes the
26 department to include the innovation network school's
27 performance assessment results under IC 20-31-8 when
28 calculating the school corporation's performance assessment
29 under rules adopted by the state board.

30 (3) The amount of state and federal funding, including tuition
31 support, and money levied as property taxes that will be
32 distributed by the school corporation to the innovation network
33 school.

34 (4) The performance goals and accountability metrics agreed
35 upon for the innovation network school.

36 (5) Grounds for termination of the agreement, including the right
37 of termination if the innovation network team fails to:

38 (A) comply with the conditions or procedures established in
39 the agreement;

40 (B) meet generally accepted fiscal management and
41 government accounting principles;

42 (C) comply with applicable laws; or



1 (D) meet the educational goals set forth in the agreement
2 between the board and the innovation network team.

3 **(6) For an agreement entered into or renewed after June 30,**
4 **2023, the process the board is required to follow in**
5 **determining whether to renew the agreement.**

6 (c) If an agreement is entered into under subsection (a), the board
7 shall notify the department that an agreement has been entered into
8 under this section within thirty (30) days after the agreement is entered
9 into.

10 (d) Upon receipt of the notification under subsection (c), for school
11 years starting after the date of the agreement:

12 (1) the department shall include the innovation network school's
13 performance assessment results under IC 20-31-8 when
14 calculating the school corporation's performance assessment
15 under rules adopted by the state board;

16 (2) the department shall treat the innovation network school in the
17 same manner as a school operated by the school corporation when
18 calculating the total amount of state and federal funding to be
19 distributed to the school corporation; and

20 (3) if requested by an innovation network school established
21 under IC 20-25.5-4-2(a)(2) (before its repeal) or
22 IC 20-25.7-4-4(a)(2), the department may use student growth as
23 the state board's exclusive means to determine the innovation
24 network school's category or designation of school improvement
25 under 511 IAC 6.2-10-10 for a period of three (3) years.
26 Beginning with the 2019-2020 school year, the department may
27 not use student growth as the state board's exclusive means to
28 determine an innovation network school's category or designation
29 of school improvement. This subdivision expires July 1, 2023.

30 A school corporation and an innovation network school are not entitled
31 to any state funding in addition to the amount the school corporation
32 and school would otherwise be eligible to receive if the innovation
33 network school were a public school maintained by the school
34 corporation.

35 **(e) If a board or innovation network team fails to follow the**
36 **renewal process described in subsection (b)(6), the board or**
37 **innovation network team may appeal to the state board. The state**
38 **board shall hear the appeal in a public meeting and ensure that the**
39 **board or innovation network team follows the renewal process**
40 **specified in the agreement. The board may not terminate an**
41 **agreement until the board has provided evidence to the state board**
42 **that the board has complied with the renewal process specified in**



1 the agreement. The state board shall issue a decision on an appeal
 2 under this subsection not later than sixty (60) days after the date
 3 the board or innovation network team submitted the appeal to the
 4 state board.

5 (f) If an administrative fee is included in an agreement entered
 6 into or renewed after June 30, 2023, under this section, the fee may
 7 not exceed one percent (1%) of the total amount of state tuition
 8 support that is distributed to the school corporation based on the
 9 student enrollment of the innovation network school.

10 SECTION 29. IC 20-25.7-4-6, AS ADDED BY P.L.214-2015,
 11 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2023]: Sec. 6. (a) For as long as an innovation network team
 13 operates an innovation network school:

14 (1) the innovation network team may use the school building, the
 15 accompanying real property, and the building's contents,
 16 equipment, and supplies, as provided in the agreement established
 17 under section 5 of this chapter; ~~and~~

18 (2) the school corporation may:

19 (A) provide transportation for students attending the
 20 innovation network school; and

21 (B) maintain and repair the buildings and grounds consistent
 22 with the maintenance and repair to the school corporation's
 23 other buildings and grounds; **and**

24 (3) **the innovation network team and the school corporation**
 25 **may enter into an agreement to transfer the ownership of a**
 26 **school corporation facility to the innovation network team.**

27 (b) If an innovation network team contracts with a school
 28 corporation for goods or services, the school corporation may not
 29 charge the innovation network team more for the goods or services than
 30 the school corporation pays for the goods or services. **A school**
 31 **corporation may not require an innovation network team to**
 32 **contract for specific goods or services provided by the school**
 33 **corporation or any other entity.**

34 (c) **A school corporation and an innovation network team may**
 35 **negotiate to require specific services with regard to an innovation**
 36 **network school during the term of an agreement. However, subject**
 37 **to subsection (d), an innovation network team must be able to**
 38 **select the service provider for the services.**

39 (d) **A school corporation may require an innovation network**
 40 **school to:**

41 (1) **use the school corporation's student information system;**
 42 **and**



1 **(2) comply with the school corporation's networking,**
 2 **cybersecurity, and device standards.**

3 **However, nothing in this subsection may be construed to allow a**
 4 **school corporation to alter an innovation network team's**
 5 **autonomy to determine the academic programming of the**
 6 **innovation network team's school.**

7 ~~(e)~~ **(e)** For as long as an innovation network team operates an
 8 innovation network school, the school corporation may distribute
 9 money levied as property taxes to the innovation network team.
 10 Property taxes distributed to an innovation network team must be used
 11 only for a purpose for which the property taxes could have been used
 12 by the school corporation. Property taxes distributed under this
 13 subsection may supplement services and property provided under
 14 subsection (a) or (b). The parties may jointly modify an agreement
 15 described in section 5 of this chapter to implement this subsection.

16 **(f) An agreement concerning the transfer of ownership of a**
 17 **school corporation facility to an innovation school network team**
 18 **described in subsection (a) is not subject to IC 20-26-7.1.**

19 SECTION 30. IC 20-25.7-5-2, AS AMENDED BY P.L.165-2021,
 20 SECTION 153, IS AMENDED TO READ AS FOLLOWS
 21 [EFFECTIVE JULY 1, 2023]: Sec. 2. (a) The board may enter into an
 22 agreement with an organizer to reconstitute an eligible school as a
 23 participating innovation network charter school or to establish a
 24 participating innovation network charter school at a location selected
 25 by the board within the boundary of the school corporation.
 26 Notwithstanding IC 20-26-7.1, a participating innovation network
 27 charter school may be established within a vacant school building.

28 (b) The terms of the agreement entered into between the board and
 29 an organizer must specify the following:

30 (1) A statement that the organizer authorizes the department to
 31 include the charter school's performance assessment results under
 32 IC 20-31-8 when calculating the school corporation's performance
 33 assessment under rules adopted by the state board.

34 (2) The amount of state funding, including tuition support (if the
 35 participating innovation network charter school is treated in the
 36 same manner as a school operated by the school corporation
 37 under subsection (d)(2)), and money levied as property taxes that
 38 will be distributed by the school corporation to the organizer.

39 (3) The performance goals and accountability metrics agreed
 40 upon for the charter school in the charter agreement between the
 41 organizer and the authorizer.

42 **(4) For an agreement entered into or renewed after June 30,**



- 1 **2023, the process the board is required to follow in**
 2 **determining whether to renew the agreement.**
 3 (c) If an organizer and the board enter into an agreement under
 4 subsection (a), the organizer and the board shall notify the department
 5 that the agreement has been made under this section within thirty (30)
 6 days after the agreement is entered into.
 7 (d) Upon receipt of the notification under subsection (c), for school
 8 years starting after the date of the agreement:
 9 (1) the department shall include the participating innovation
 10 network charter school's performance assessment results under
 11 IC 20-31-8 when calculating the school corporation's performance
 12 assessment under rules adopted by the state board;
 13 (2) the department shall treat the participating innovation network
 14 charter school in the same manner as a school operated by the
 15 school corporation when calculating the total amount of state
 16 funding to be distributed to the school corporation unless
 17 subsection (e) applies; and
 18 (3) if requested by a participating innovation network charter
 19 school that reconstitutes an eligible school, the department may
 20 use student growth as the state board's exclusive means to
 21 determine the innovation network charter school's category or
 22 designation of school improvement under 511 IAC 6.2-10-10 for
 23 a period of three (3) years. Beginning with the 2019-2020 school
 24 year, the department may not use student growth as the state
 25 board's exclusive means to determine an innovation network
 26 charter school's category or designation of school improvement.
 27 This subdivision expires July 1, 2023.
 28 (e) If a participating innovation network school was established
 29 before January 1, 2016, and for the current school year has a
 30 complexity index that is greater than the complexity index for the
 31 school corporation that the innovation network school has contracted
 32 with, the innovation network school shall be treated as a charter school
 33 for purposes of determining tuition support. This subsection expires
 34 June 30, 2023.
 35 **(f) If the board or organizer fails to follow the process described**
 36 **in subsection (b)(4), the board or organizer may appeal to the state**
 37 **board. The state board shall hear the appeal in a public meeting**
 38 **and ensure that the board or organizer follows the renewal process**
 39 **specified in the agreement. The board may not terminate an**
 40 **agreement until the board has provided evidence to the state board**
 41 **that the board has complied with the renewal process specified in**
 42 **the agreement. The state board shall issue a decision on an appeal**



1 under this subsection not later than sixty (60) days after the date
2 the board or organizer submitted the appeal to the state board.

3 (g) If an administrative fee is included in an agreement entered
4 into or renewed after June 30, 2023, under this section, the fee may
5 not exceed one percent (1%) of the total amount of state tuition
6 support that is distributed to the school corporation based on the
7 participating innovation network charter school's student
8 enrollment.

9 SECTION 31. IC 20-25.7-5-3, AS ADDED BY P.L.214-2015,
10 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 JULY 1, 2023]: Sec. 3. (a) For as long as a charter school remains a
12 participating innovation network charter school, the school corporation
13 may:

14 (1) provide transportation for students attending the participating
15 innovation network charter school; ~~and~~

16 (2) maintain and repair the buildings and grounds used by the
17 participating innovation network charter school consistent with
18 the maintenance and repair to the school corporation's other
19 buildings and grounds; **and**

20 (3) **enter into an agreement to transfer the ownership of a
21 school corporation facility to the organizer.**

22 (b) If an organizer contracts with a school corporation for goods or
23 services, the school corporation may not charge the organizer more for
24 the goods or services than the school corporation pays for the goods or
25 services. **A school corporation may not require an organizer to
26 contract for specific goods or services provided by the school
27 corporation or any other entity.**

28 (c) **A school corporation and an organizer may negotiate to
29 require specific services with regard to a participating innovation
30 network charter school during the term of an agreement. However,
31 an organizer must be able to the select the service provider for the
32 services.**

33 ~~(e)~~ (d) For as long as a charter school remains a participating
34 innovation network charter school, the school corporation may
35 distribute money levied as property taxes to the charter school. Property
36 taxes distributed to a charter school must be used only for a purpose for
37 which the property taxes could have been used by the school
38 corporation. Property taxes distributed under this subsection may
39 supplement services and property provided under subsection (a) or (b).
40 The parties may jointly modify an agreement described in section 2 of
41 this chapter to implement this subsection.

42 (e) **An agreement concerning the transfer of ownership of a**



1 **school corporation facility described in subsection (a) is not subject**
 2 **to IC 20-26-7.1.**

3 SECTION 32. IC 20-26-5-42 IS ADDED TO THE INDIANA
 4 CODE AS A NEW SECTION TO READ AS FOLLOWS
 5 [EFFECTIVE JULY 1, 2023]: **Sec. 42. (a) This section applies to the**
 6 **following:**

7 (1) **A public school, including a charter school.**

8 (2) **Physical injuries that occur after June 30, 2023.**

9 (b) **Each public school shall provide to the department, in a**
 10 **manner prescribed by the department, information concerning an**
 11 **employee of the public school who was physically injured while on**
 12 **the job by a student of the public school if the injury:**

13 (1) **is required to be reported to the public school's worker's**
 14 **compensation carrier;**

15 (2) **causes the employee to miss all or part of one (1) or more**
 16 **work days; or**

17 (3) **is required to be reported to the public school pursuant to**
 18 **the public school's reporting policy.**

19 (c) **A public school may not provide information under**
 20 **subsection (b) that identifies the employee or the student.**

21 (d) **Nothing in this section shall be construed to prohibit a public**
 22 **school from providing identifying information otherwise required**
 23 **by law or rule.**

24 SECTION 33. IC 20-26-5-42.3 IS ADDED TO THE INDIANA
 25 CODE AS A NEW SECTION TO READ AS FOLLOWS
 26 [EFFECTIVE JULY 1, 2023]: **Sec. 42.3. If the superintendent of a**
 27 **school corporation:**

28 (1) **becomes aware of possible criminal activity involving a**
 29 **current or former school employee or contractor that:**

30 (A) **may have occurred on school property or at a school**
 31 **approved activity or event not on school property; and**

32 (B) **may have involved a current or former student who**
 33 **was a student at the time of the possible criminal activity;**

34 **or**

35 (2) **concludes an investigation of a personnel matter that**
 36 **results in or could result in a suspension or termination of a**
 37 **school employee;**

38 **the superintendent shall, within five (5) business days, inform all**
 39 **members of the governing body.**

40 SECTION 34. IC 20-26-5-44 IS ADDED TO THE INDIANA
 41 CODE AS A NEW SECTION TO READ AS FOLLOWS
 42 [EFFECTIVE JULY 1, 2023]: **Sec. 44. The superintendent of a**



1 **school corporation shall promptly and fully inform the governing**
 2 **body of any matter or related matters involving legal expenses**
 3 **reasonably expected to exceed an amount specified by the**
 4 **governing body.**

5 SECTION 35. IC 20-26-13-10, AS AMENDED BY P.L.32-2021,
 6 SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2023]: Sec. 10. (a) Except as provided in section 11 of this
 8 chapter **and subject to IC 20-31-8-4.6**, the four (4) year graduation
 9 rate for a cohort in a high school is the percentage determined under
 10 STEP FIVE of the following formula:

11 STEP ONE: Determine the grade 9 enrollment at the beginning of
 12 the reporting year three (3) years before the reporting year for
 13 which the graduation rate is being determined.

14 STEP TWO: Add:

15 (A) the number determined under STEP ONE; and

16 (B) the number of students who:

17 (i) have enrolled in the high school after the date on which
 18 the number determined under STEP ONE was determined;

19 and

20 (ii) have the same expected graduation year as the cohort.

21 STEP THREE: Subtract from the sum determined under STEP
 22 TWO the number of students who have left the cohort for any of
 23 the following reasons:

24 (A) Transfer to another public or nonpublic school.

25 (B) Except as provided in IC 20-33-2-28.6 and subsection (b),
 26 removal by the student's parents under IC 20-33-2-28 to
 27 provide instruction equivalent to that given in the public
 28 schools.

29 (C) Withdrawal because of a long term medical condition or
 30 death.

31 (D) Detention by a law enforcement agency or the department
 32 of correction.

33 (E) Placement by a court order or the department of child
 34 services.

35 (F) Enrollment in a virtual school.

36 (G) Leaving school, if the student attended school in Indiana
 37 for less than one (1) school year and the location of the student
 38 cannot be determined.

39 (H) Leaving school, if the location of the student cannot be
 40 determined and the student has been reported to the Indiana
 41 clearinghouse for information on missing children and missing
 42 endangered adults.



- 1 (I) Withdrawing from school before graduation, if the student
 2 is a high ability student (as defined in IC 20-36-1-3) who is a
 3 full-time student at an accredited institution of higher
 4 education during the semester in which the cohort graduates.
 5 (J) Withdrawing from school before graduation pursuant to
 6 providing notice of withdrawal under section 17 of this
 7 chapter.
 8 (K) Participating in the high school equivalency pilot program
 9 under IC 20-30-8.5, unless the student fails to successfully
 10 complete the high school equivalency pilot program in the two
 11 (2) year period. This clause expires June 30, 2024.
 12 STEP FOUR: Determine the total number of students determined
 13 under STEP TWO who have graduated during the current
 14 reporting year or a previous reporting year.
 15 STEP FIVE: Divide:
 16 (A) the number determined under STEP FOUR; by
 17 (B) the remainder determined under STEP THREE.
 18 (b) This subsection applies to a high school in which:
 19 (1) for a:
 20 (A) cohort of one hundred (100) students or less, at least ten
 21 percent (10%) of the students left a particular cohort for a
 22 reason described in subsection (a) STEP THREE clause (B);
 23 or
 24 (B) cohort of more than one hundred (100) students, at least
 25 five percent (5%) of the students left a particular cohort for a
 26 reason described in subsection (a) STEP THREE clause (B);
 27 and
 28 (2) the students described in subdivision (1)(A) or (1)(B) are not
 29 on track to graduate with their cohort.
 30 A high school must submit a request to the state board in a manner
 31 prescribed by the state board requesting that the students described in
 32 this subsection be included in the subsection (a) STEP THREE
 33 calculation. The state board shall review the request and may grant or
 34 deny the request. The state board shall deny the request unless the high
 35 school demonstrates good cause to justify that the students described
 36 in this subsection should be included in the subsection (a) STEP
 37 THREE calculation. If the state board denies the request the high
 38 school may not subtract the students described in this subsection under
 39 subsection (a) STEP THREE.
 40 SECTION 36. IC 20-28-9-28, AS AMENDED BY P.L.132-2022,
 41 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2023]: Sec. 28. (a) For each school year in a state fiscal year



1 beginning after June 30, 2021, 2023, a school corporation shall expend
 2 an amount for full-time teacher salaries compensation that is not less
 3 than an amount equal to forty-five ~~sixty-two~~ percent (45%) (62%) of
 4 the state tuition support distributed to the school corporation during the
 5 state fiscal year. For purposes of determining whether a school
 6 corporation has complied with this requirement, the amount a school
 7 corporation expends for full-time teacher salaries compensation shall
 8 include the amount the school corporation expends for:

9 (1) supplemental pay for teachers;

10 (2) stipends for teachers; and

11 (3) participating in a special education cooperative or a career and
 12 technical education cooperative an interlocal agreement or
 13 consortium that is directly attributable to the salaries
 14 compensation of full-time teachers employed by the cooperative
 15 as determined by the department. or interlocal agreement or
 16 consortium.

17 **Teacher benefits include all benefit categories collected by the**
 18 **department for Form 9 purposes.**

19 (b) If a school corporation determines that the school corporation
 20 cannot comply with the requirement under subsection (a) for a
 21 particular school year, the school corporation shall apply for a waiver
 22 from the department.

23 (c) The waiver application must include an explanation of the
 24 financial challenges, with detailed data, that preclude the school
 25 corporation from meeting the requirement under subsection (a) and
 26 describe the cost saving measures taken by the school corporation in
 27 attempting to meet the requirement in subsection (a). The waiver may
 28 also include an explanation of an innovative or efficient approach in
 29 delivering instruction that is responsible for the school corporation
 30 being unable to meet the requirement under subsection (a).

31 (d) If, after review, the department determines that the school
 32 corporation has exhausted all reasonable efforts in attempting to meet
 33 the requirement in subsection (a), the department may grant the school
 34 corporation a one (1) year exception from the requirement.

35 (e) A school corporation that receives a waiver under this section
 36 shall work with the department to develop a plan to identify additional
 37 cost saving measures and any other steps that may be taken to allow the
 38 school corporation to meet the requirement under subsection (a).

39 (f) A school corporation may not receive more than three (3)
 40 waivers under this section.

41 (g) Before November 1, 2022, and before November 1 of each year
 42 thereafter, the department shall submit a report to the legislative



1 council in an electronic format under IC 5-14-6 and the state budget
2 committee that contains information as to:

3 (1) the percent and amount that each school corporation expended
4 and the statewide total expended for ~~full-time~~ teacher ~~salaries;~~
5 **compensation;**

6 (2) the percent and amount that each school corporation expended
7 and statewide total expended for ~~full-time~~ teacher benefits,
8 including health, dental, life insurance, and pension benefits;

9 (3) whether the school corporation met the requirement set forth
10 in subsection (a); and

11 (4) whether the school corporation received a waiver under
12 subsection (d).

13 SECTION 37. IC 20-31-8-4.6, AS ADDED BY P.L.217-2017,
14 SECTION 105, IS AMENDED TO READ AS FOLLOWS
15 [EFFECTIVE JULY 1, 2023]: Sec. 4.6. (a) If a school corporation or
16 a charter school enters into an agreement with an eligible school (as
17 defined in IC 20-51-1-4.7) to provide dropout recovery educational
18 services for an at-risk student who is enrolled at a public school, the
19 student:

20 (1) may not be included in the calculation of the public school's:

21 (A) category or designation of school performance; **and**

22 (B) **graduation rate calculation; and**

23 (2) **shall be included in the eligible school's graduation rate**
24 **calculation.**

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

27 SECTION 38. IC 20-35-6-4 IS ADDED TO THE INDIANA CODE
28 AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY
29 1, 2023]: **Sec. 4. (a) This section applies to a case conference**
30 **committee for a student in grades 8 through 12.**

31 **(b) At a case conference committee meeting, the committee shall**
32 **start addressing decision making skills, which shall include a**
33 **discussion of supported decision making and other alternative**
34 **options or programs for the student in lieu of the appointment of**
35 **a guardian and whether these options are necessary. The case**
36 **conference committee shall include in the individualized education**
37 **program or a plan developed under Section 504 of the federal**
38 **Rehabilitation Act of 1973, 29 U.S.C. 794 notes relating to the**
39 **discussion of alternative options or programs.**

40 SECTION 39. IC 20-35-6-5 IS ADDED TO THE INDIANA CODE
41 AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY
42 1, 2023]: **Sec. 5. (a) As used in this section, "community intellectual**



1 **disability and other developmental disabilities centers" has the**
 2 **meaning set forth in IC 12-7-2-39.**

3 **(b) At a case conference committee meeting regarding a**
 4 **transition individualized education program described in 511**
 5 **IAC 7-43-4, a public school, including a charter school, shall**
 6 **provide to the student and parent of the student written**
 7 **information that includes the:**

8 **(1) location of;**

9 **(2) contact information regarding; and**

10 **(3) services offered by;**

11 **community intellectual disability and other developmental**
 12 **disabilities centers that are located or provide services in the**
 13 **county in which the student resides.**

14 SECTION 40. IC 21-13-11-8, AS ADDED BY P.L.118-2016,
 15 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2023]: Sec. 8. The commission may use money in the fund to
 17 provide grants to Indiana organizations that recruit science, technology,
 18 engineering, and mathematics teachers for employment by Indiana
 19 school corporations **or charter schools.**

20 SECTION 41. IC 21-13-11-10, AS ADDED BY P.L.118-2016,
 21 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2023]: Sec. 10. The commission shall develop an application
 23 process for grants under this chapter that identifies recruiting
 24 organizations and programs:

25 (1) that produce high student achievement and effective and
 26 highly effective teachers; and

27 (2) that match science, technology, engineering, and mathematics
 28 teachers with Indiana school corporations **or charter schools** that
 29 would otherwise encounter a shortage of qualified teachers in
 30 science, technology, engineering, and mathematics.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1591, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-15-1-1, AS AMENDED BY P.L.161-2018, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1. (a) Any officer, office, court, commission, board, institution, department, agent, or employee of the state, county, or any political subdivision being charged with the duty or authorized or required by law to record, preserve, keep, maintain, or file any record, document, plat, paper or instrument-in-writing, may, whenever any such officer, office, court, commission, board, institution, department, agent, or employee of the state, county, or any political subdivision shall deem it necessary, for the purpose of recording or copying same, preserving and protecting same, reducing space required for storage or filing of same, or any similar purpose, have or cause to have any or all such records recorded, copied, or reproduced by any photostatic, photographic, micrographic, electronic, or other process which correctly and accurately copies or reproduces, recreates, or forms a medium of copying or reproducing the original record, document, plat, paper, or instrument-in-writing. Any officer, office, court, commission, board, institution, department, agent, or employee of the state may have or cause to have records recorded, copied, or reproduced under this subsection by any optical imaging process that correctly and accurately copies or reproduces, recreates, or forms a medium of copying or reproducing the original record, document, plat, paper, or instrument-in-writing.

(b) **After retaining the original filing record for a period of five (5) years**, the original filing record may be destroyed if:

(1) the record has been copied or is capable of being reproduced or recreated under subsection (a); and

(2) ~~an approved retention schedule allows for the destruction.~~ **the record has been stored in more than one (1) electronic format.**

(c) Copies, recreations, or reproductions made under subsection (a):

(1) shall have the same force and effect at law as the original record destroyed under subsection (b); and

(2) shall be received as evidence in any court where the original record could have been so introduced;



if the recreations, copies, or reproductions are properly certified as to authenticity and accuracy by a duly constituted official custodian of such records.

(d) All micrographics and imaging processes done under this chapter shall comply with the quality standards developed under IC 5-15-5.1-8.

(e) This section does not apply to the office of judicial administration of the supreme court.

(f) Except as provided in IC 5-14-3-5.3 and notwithstanding any other retention schedule by a state or local commission, a public record stored in more than one (1) electronic format under subsection (b) must be retained for a period of at least twenty-five (25) years.

SECTION 2. IC 12-7-2-91, AS AMENDED BY P.L.184-2017, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 91. "Fund" means the following:

(1) For purposes of IC 12-12-1-9, the fund described in IC 12-12-1-9.

(2) For purposes of IC 12-15-20, the meaning set forth in IC 12-15-20-1.

(3) For purposes of IC 12-17-12, the meaning set forth in IC 12-17-12-4.

(4) For purposes of IC 12-17.2-7.2, the meaning set forth in IC 12-17.2-7.2-4.7.

~~(4)~~ (5) For purposes of IC 12-17.6, the meaning set forth in IC 12-17.6-1-3.

~~(5)~~ (6) For purposes of IC 12-23-2, the meaning set forth in IC 12-23-2-1.

~~(6)~~ (7) For purposes of IC 12-23-18, the meaning set forth in IC 12-23-18-4.

~~(7)~~ (8) For purposes of IC 12-24-6, the meaning set forth in IC 12-24-6-1.

~~(8)~~ (9) For purposes of IC 12-24-14, the meaning set forth in IC 12-24-14-1.

~~(9)~~ (10) For purposes of IC 12-30-7, the meaning set forth in IC 12-30-7-3.

SECTION 3. IC 12-7-2-139.3 IS REPEALED [EFFECTIVE JULY 1, 2023]. Sec. ~~139.3~~: "Pilot fund", for purposes of IC ~~12-17.2-7.2~~, has the meaning set forth in IC ~~12-17.2-7.2-4.7~~.

SECTION 4. IC 12-17.2-3.8-5, AS AMENDED BY P.L.139-2022, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 5. (a) The early learning advisory committee is



established to do the following:

- (1) Establish child developmental and educational goals for Indiana's early learning system, including the development of standards and objectives for early education programs that receive state or federal funds.
- (2) Design and maintain an approach to measuring progress toward the goals established under subdivision (1) that include objective measures of academic quality.
- (3) Assess the attainment of the goals established under subdivision (1) and evaluate the efficacy of state and federal spending on Indiana's early learning system.
- (4) Assess whether the requirements for early education program licensure:
 - (A) create an equitable standard for health and safety across all early education program types;
 - (B) reinforce the goals established under subdivision (1); and
 - (C) support the sustainability of Indiana's early learning system.
- (5) Conduct periodic statewide needs assessments concerning the quality and availability of early education programs for children from birth to the age of school entry, including the availability of high quality prekindergarten education for low income children in Indiana.
- (6) Identify opportunities for, and barriers to, collaboration and coordination among federally and state funded child development, child care, and early childhood education programs and services, including governmental agencies that administer the programs and services.
- (7) Design early education workforce strategies, including recommendations on how to advance professional development.
- (8) Assess the capacity and effectiveness of pathways to support training and recruitment of early educators.
- (9) Not later than November 30 of each year, develop and make recommendations to the governor and, in an electronic format under IC 5-14-6, to the legislative council concerning the results of the committee's work under subdivisions (1) through (8).
- (10) Not later than July 1, 2024, commission a third party evaluation to assess existing regulations for child care providers and provide recommendations to:**
 - (A) maintain health and safety standards;**
 - (B) streamline administrative burdens, program standards, and reporting requirements for child care**



providers;

(C) provide flexibility for a child care provider with a Level 3 or Level 4 paths to QUALITY program rating to expand to other locations; and

(D) assist accredited kindergarten through grade 12 institutions in establishing and providing high quality onsite child care and early learning programs.

(11) Not later than December 31, 2023, develop recommendations for implementing a revised paths to QUALITY program that:

(A) maintains health and safety standards;

(B) integrates objective measures of kindergarten readiness;

(C) contemplates accredited kindergarten through grade 12 institutions as onsite providers; and

(D) incentivizes child care providers to increase wages for child care workers who complete education and training that result in a postsecondary degree or industry recognized credential.

(b) The committee consists of the following thirteen (13) members:

(1) The secretary of education or the secretary's designee.

(2) The secretary of family and social services or the secretary's designee.

(3) Seven (7) members appointed by the governor as follows:

(A) A representative of an organization with an interest in training the early childhood education workforce.

(B) A representative of a Head Start program under 42 U.S.C. 9831 et seq.

(C) A member of the general public who has an interest in early childhood education.

(D) A representative of an early childhood education provider.

(E) A representative from a school corporation who has an interest in strengthening the transition from early childhood education to elementary education.

(F) A representative of business with an interest in early childhood education.

(G) A representative of the nonprofit or philanthropic community with an interest in early childhood education.

(4) One (1) member who:

(A) is appointed by the speaker of the house of representatives;

(B) is not a member of the general assembly; and

(C) shall serve as a nonvoting member.



(5) One (1) member who:

- (A) is appointed by the president pro tempore of the senate;
- (B) is not a member of the general assembly; and
- (C) shall serve as a nonvoting member.

(6) One (1) member who:

- (A) is appointed by the minority leader of the house of representatives;
- (B) is not a member of the general assembly; and
- (C) shall serve as a nonvoting member.

(7) One (1) member who:

- (A) is appointed by the minority leader of the senate;
- (B) is not a member of the general assembly; and
- (C) shall serve as a nonvoting member.

(c) Subject to section 5.1 of this chapter, members appointed under subsection (b)(3) through (b)(7) serve for three (3) year terms. The members of the committee serve at the pleasure of the appointing authority.

(d) The governor shall appoint a member of the committee to serve as chairperson of the committee. The committee shall meet at least six (6) times each calendar year at the call of the chairperson.

(e) The division shall, in consultation with the department of education, staff the committee.

(f) The expenses of the committee shall be paid from the funds of the division.

(g) Each member of the committee who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(h) Each member of the committee who is a state employee but who is not a member of the general assembly is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(i) Each member of the committee who is a member of the general assembly is entitled to receive the same per diem, mileage, and travel allowances paid to legislative members of interim study committees established by the legislative council. Per diem, mileage, and travel allowances paid under this section shall be paid from appropriations



made to the legislative council or the legislative services agency.

(j) The affirmative votes of a majority of the voting members appointed to the committee are required for the committee to take action on any measure, including final reports.

SECTION 5. IC 12-17.2-7.2-2.5, AS ADDED BY P.L.268-2019, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 2.5. As used in this chapter, "limited eligibility child" refers to an individual who:

- (1) is at least four (4) years of age and less than five (5) years of age on August 1 of the state fiscal year for which a grant is sought under the prekindergarten ~~pilot~~ program;
- (2) is a resident of Indiana or otherwise has legal settlement in Indiana, as determined under IC 20-26-11;
- (3) receives qualified early education services from an eligible provider, as determined by the office;
- (4) has a parent or guardian who agrees to ensure that the child meets the attendance requirements determined by the office;
- (5) has a parent or guardian who participates in a parental engagement and involvement component provided by the eligible provider;
- (6) is a member of a household with an annual income that does not exceed one hundred eighty-five percent (185%) of the federal poverty level;
- (7) meets the requirements of section 7.2(b) and 7.2(c) of this chapter; and
- (8) is not an eligible child.

SECTION 6. IC 12-17.2-7.2-4.7, AS ADDED BY P.L.184-2017, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 4.7. As used in this chapter, "~~pilot~~ fund" refers to the prekindergarten ~~pilot~~ program fund established by section 13.5 of this chapter.

SECTION 7. IC 12-17.2-7.2-5, AS AMENDED BY P.L.184-2017, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 5. As used in this chapter, "prekindergarten ~~pilot~~ program" refers to the prekindergarten ~~pilot~~ program established under section 7 of this chapter.

SECTION 8. IC 12-17.2-7.2-7, AS AMENDED BY P.L.268-2019, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 7. (a) The ~~office may establish~~ a prekindergarten ~~pilot~~ program **is established** to provide grants for:

- (1) qualified early education services in a manner consistent with how funds are distributed under the Child Care and Development



Fund (CCDF) grant program; and

(2) expansion plans as described in section 7.4(a)(2) of this chapter.

(b) The office shall administer the prekindergarten ~~pilot~~ program. The prekindergarten ~~pilot~~ program may include:

(1) eligible providers in Indiana; and

(2) potential eligible providers or existing eligible providers as described in section 7.4 of this chapter.

(c) ~~Before July 1, 2017, the prekindergarten pilot program includes eligible providers in the following pilot counties:~~

~~(1) Allen.~~

~~(2) Jackson.~~

~~(3) Lake.~~

~~(4) Marion.~~

~~(5) Vanderburgh.~~

The total number of grants the office awards to eligible children in a county listed in this subsection during a state fiscal year may not be less than the total number of grants the office awarded to eligible children in that county during the immediately preceding state fiscal year unless the office determines that there is an insufficient number of eligible children or eligible providers in the county to justify the total number of grants for that county. Beginning July 1, 2020, the total number of grants during the immediately preceding state fiscal year shall include the number of grants issued under a preschool program established in March 2015 that operates in a consolidated city.

~~(d) After June 30, 2017, and before July 1, 2019, in addition to the counties listed under subsection (c), the prekindergarten pilot program includes eligible providers in fifteen (15) additional counties. In determining which counties are designated as pilot counties under this subsection, the office shall give preference to counties that are primarily rural. The total number of grants the office awards to eligible children in a county designated under this subsection during a state fiscal year may not be less than the total number of grants the office awarded to eligible children in that county during the immediately preceding state fiscal year unless the office determines that there is an insufficient number of eligible children or eligible providers in the county to justify the total number of grants for that county.~~

~~(e) In addition to the counties listed in subsection (c) and counties designated under subsection (d);~~ **(d)** The prekindergarten ~~pilot~~ program includes eligible providers in any county in Indiana.

~~(f)~~ **(e)** Subject to the requirements of this chapter, the office shall determine:

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(1) the eligibility requirements, application process, and selection process for awarding grants under the prekindergarten ~~pilot~~ program;

(2) the administration and reporting requirements for:

(A) eligible providers; and

(B) potential eligible providers or existing eligible providers; participating in the prekindergarten ~~pilot~~ program; and

(3) with the assistance of the early learning advisory committee, an appropriate outcomes based accountability system for:

(A) eligible providers; and

(B) potential eligible providers or existing eligible providers.

~~(g) Before implementing the prekindergarten pilot program, the office shall submit the provisions of the prekindergarten pilot program to the state board of education for the state board of education's review and comment:~~

~~(h)~~ (f) The office shall, subject to the availability of funding, determine the number of eligible children who will participate in the prekindergarten ~~pilot~~ program. After December 31, 2019, the office shall, subject to the availability of funding, determine the number of limited eligibility children who will participate in the prekindergarten ~~pilot~~ program.

SECTION 9. IC 12-17.2-7.2-7.3, AS AMENDED BY P.L.268-2019, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 7.3. The office shall require, for an eligible provider to enroll in the prekindergarten ~~pilot~~ program, that the eligible provider agree to the following:

(1) Comply on a continuing basis with the requirements under this chapter and rules for participation established by the office.

(2) Maintain eligibility under this chapter throughout the prekindergarten program year.

(3) Report immediately any changes in eligibility status to the office, including the eligible provider's loss of national or regional accreditation.

(4) Participate in any training and mandatory meetings required by the office.

(5) Participate in all onsite visits conducted by the office, including fiscal auditing activities with regard to the prekindergarten ~~pilot~~ program and prekindergarten program activity monitoring.

(6) Allow families of eligible or limited eligibility children enrolled in the prekindergarten program of the eligible provider to visit at any time the prekindergarten program is in operation.



- (7) Maintain accurate online attendance records through the attendance portal for eligible or limited eligibility children enrolled in the prekindergarten ~~pilot~~ program and submit attendance records as required by the office.
- (8) Offer parental engagement and involvement activities in the prekindergarten program of the eligible provider in alignment with the family engagement framework adopted by the early learning advisory committee established by IC 12-17.2-3.8-5.
- (9) Complete, within the period established by the office, the Indiana early childhood family engagement toolkit, including the family engagement self-assessment, adopted by the early learning advisory committee.
- (10) Share information on the family engagement self-assessment described in subdivision (9) as required by the office.
- (11) Participate in research studies as required by the office.
- (12) Enforce minimum attendance requirements of at least eighty-five percent (85%) of the days that the prekindergarten program of the eligible provider is offered to an eligible or limited eligibility child.
- (13) Inform the office that an eligible or limited eligibility child has withdrawn from the prekindergarten program of the eligible provider not later than five (5) days after the eligible or limited eligibility child is withdrawn.
- (14) That retroactive repayment to the state may be required or future payments may be adjusted as a result of the withdrawal of an eligible or limited eligibility child or changes in the law.
- (15) Maintain records of participation by a family of an eligible or limited eligibility child in family engagement activities and submit records as required by the office.
- (16) Promote an eligible or limited eligibility child's social, emotional, and behavioral health and eliminate or severely limit the use of expulsion, suspension, and other exclusionary discipline practices.
- (17) Use the exclusionary discipline practices described in subdivision (16) only as a last resort in extraordinary circumstances when there is a determination of a serious safety threat that cannot otherwise be reduced or eliminated by the provision of reasonable modifications.
- (18) Inform and receive approval from the office before the eligible provider expels, suspends, or uses other exclusionary discipline practices.
- (19) Assist a parent or guardian, upon request by the parent or



guardian, in obtaining information from, referral to, or both information from and referral to, the public school that serves the attendance area in which the parent or guardian resides for an educational evaluation and determination of eligibility for special education services if developmental delays or reasons to suspect a disability are observed by the parent, guardian, or teacher of an eligible or limited eligibility child during the prekindergarten program year.

SECTION 10. IC 12-17.2-7.2-7.4, AS AMENDED BY P.L.268-2019, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 7.4. (a) To qualify as a potential eligible provider or existing eligible provider, an applicant must:

- (1) provide an expansion plan to the office that details the potential eligible provider's or existing eligible provider's plan to:
 - (A) increase the capacity of providers of qualified early education services to serve a greater number of eligible or limited eligibility children;
 - (B) increase the number of providers of qualified early education services; or
 - (C) increase the capacity as described in clause (A) and increase the number as described in clause (B);
- (2) comply with the agreement with the office concerning the plan under subdivision (1) and the use of a grant awarded under this chapter;
- (3) agree:
 - (A) to operate as an eligible provider; or
 - (B) that the applicant intends to operate as an eligible provider;
- (4) agree that the applicant will not use any grant funds awarded under this section for capital expenditures; and
- (5) comply with any other standards and procedures established under this chapter.

(b) Subject to subsections (c) and (d), the office may award a grant to an applicant that meets the requirements of subsection (a).

(c) The office may not use more than a total of twenty percent (20%) of the money in the ~~pilot~~ fund each state fiscal year:

- (1) for grants awarded under this chapter to potential eligible providers and existing eligible providers for expansion plans; and
- (2) to meet any state match amounts required for a federal grant described in subsection (f).

(d) The office may not award grant funds under this section to an



applicant for any of the following:

- (1) The purchase of land or a building.
- (2) The construction or expansion of a building.

(e) If a potential eligible provider or existing eligible provider fails to:

- (1) use the grant funds in accordance with the expansion plan described in subsection (a); or
- (2) comply with the agreement entered into with the office under subsection (a);

the potential eligible provider or existing eligible provider shall repay to the office the total amount of the grant awarded to the potential eligible provider or existing eligible provider under this chapter.

(f) The office may use money in the ~~pilot~~ fund that is allocated for expansion plans under this section for a state fiscal year to meet any state match amounts required for a federal grant if the purpose of the federal grant is that the grant money be used for increasing:

- (1) the capacity;
- (2) the number; or
- (3) both the capacity and number;

of providers of early education services for children four (4) years of age.

SECTION 11. IC 12-17.2-7.2-7.5, AS AMENDED BY P.L.184-2017, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 7.5. The office may adopt rules under IC 4-22-2 concerning the implementation and the administration of the prekindergarten ~~pilot~~ program.

SECTION 12. IC 12-17.2-7.2-7.8, AS AMENDED BY P.L.268-2019, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 7.8. (a) The office shall make random onsite inspections each year, as determined necessary by the office, at the facility of:

- (1) an eligible provider; or
- (2) a potential eligible provider or existing eligible provider;

that receives a grant under this chapter.

(b) The office may determine that an eligible provider or potential eligible provider or existing eligible provider is not eligible to receive a grant under the prekindergarten ~~pilot~~ program if the eligible provider or potential eligible provider or existing eligible provider:

- (1) fails to comply with this chapter; or
- (2) refuses to allow, during normal business hours, the office or an agent of the office to inspect the facility at which the eligible provider or potential eligible provider or existing eligible provider



operates a child care program for eligible or limited eligibility children.

SECTION 13. IC 12-17.2-7.2-8, AS AMENDED BY P.L.268-2019, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 8. (a) The office shall determine:

- (1) which applicants shall be awarded a grant; and
- (2) subject to subsection (b) and to the availability of funding, the amount of each grant.

~~(b) At least five percent (5%) but not more than fifty percent (50%) of the:~~

~~(1) tuition for eligible or limited eligibility children under the prekindergarten pilot program; or~~

~~(2) expansion plan described in section 7.4(a) of this chapter; during the state fiscal year must be paid from donations, gifts, grants, bequests, and other funds received from a private entity or person; from the United States government; or from other sources (excluding funds from a grant provided under this chapter and excluding other state funding). The office may receive and administer grants on behalf of the prekindergarten pilot program. The grants shall be distributed by the office to fulfill the requirements of this subsection.~~

~~(c) (b) The amount of a grant made under the pilot program to an eligible or limited eligibility child:~~

~~(1) who attends a prekindergarten program full time must equal at least two thousand five hundred dollars (\$2,500) during the state fiscal year; and~~

~~(2) may not exceed six thousand eight hundred dollars (\$6,800) from state money provided under this chapter during the state fiscal year.~~

SECTION 14. IC 12-17.2-7.2-8.1, AS AMENDED BY P.L.216-2021, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 8.1. (a) If funds are appropriated by the general assembly, grants to limited eligibility children may not exceed:

(1) twenty percent (20%) of the amount appropriated for a particular state fiscal year if families with children four (4) years of age are on the waiting list for funds available under the Child Care Development Fund; or

(2) forty percent (40%) of the amount appropriated for a particular state fiscal year if there is no waiting list for children four (4) years of age for funds available under the Child Care Development Fund.

(b) During the priority enrollment period, the office shall provide



grants to eligible children in the prekindergarten ~~pilot~~ program on a first-come, first-served basis. The office shall date stamp and reserve applications for limited eligibility children received during the priority enrollment period for processing during the extended enrollment period.

(c) During the extended enrollment period, the office shall provide grants to eligible children and limited eligibility children in the prekindergarten ~~pilot~~ program on a first-come, first-served basis to the extent of available funding and in accordance with the limit established by subsection (a).

SECTION 15. IC 12-17.2-7.2-11, AS AMENDED BY P.L.165-2021, SECTION 142, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 11. Except as provided under IC 20-51-1-4.3(4)(E), the receipt of a grant under the ~~pilot~~ **prekindergarten** program does not qualify, nor have an effect on the qualification or eligibility, of a child for a choice scholarship under IC 20-51-4.

SECTION 16. IC 12-17.2-7.2-12, AS AMENDED BY P.L.184-2017, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 12. (a) The office, **in cooperation with the department of education**, shall **periodically** carry out a longitudinal study of students who participate in the prekindergarten ~~pilot~~ program to determine the achievement levels of those students in kindergarten and later grades.

(b) The longitudinal study must include a comparison of test and assessment results in grade 3 of:

- (1) the eligible children who participated in the prekindergarten ~~pilot~~ program; and
- (2) a control group determined by the office that consists of children who did not participate in the prekindergarten ~~pilot~~ program.

(c) The office may, after consulting with the state board of education, enter into a contract with one (1) or more persons to carry out the longitudinal study under this section. The office may expend not more than one million dollars (\$1,000,000) from the funds appropriated under section 9 of this chapter (repealed) to carry out the longitudinal study.

SECTION 17. IC 12-17.2-7.2-13, AS AMENDED BY P.L.268-2019, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 13. (a) The office shall, before November 1 of each year, submit a report to the governor, the budget committee, the state board of education, the department of



education, and, in an electronic format under IC 5-14-6, the general assembly regarding the prekindergarten ~~pilot~~ program.

(b) The report under subsection (a) must include the following:

- (1) The total number of children who received a grant under the prekindergarten ~~pilot~~ program for the immediately preceding state fiscal year, disaggregated by county.
- (2) The total amount of funds budgeted for and spent under the prekindergarten ~~pilot~~ program during the immediately preceding state fiscal year.
- (3) The balance remaining in the ~~pilot~~ fund at the end of the immediately preceding state fiscal year.

SECTION 18. IC 12-17.2-7.2-13.1, AS ADDED BY P.L.268-2019, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 13.1. The office shall post monthly on the office's ~~Internet web site~~ **website** the total enrollment of and number of grants awarded to:

- (1) all eligible children (before January 1, 2020); and
- (2) after December 31, 2019, both:
 - (A) all eligible children; and
 - (B) all limited eligibility children;

for each county that participates in the prekindergarten ~~pilot~~ program.

SECTION 19. IC 12-17.2-7.2-13.5, AS AMENDED BY P.L.156-2020, SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 13.5. (a) The prekindergarten ~~pilot~~ program fund is established to:

- (1) provide grants to eligible or limited eligibility children for qualified early education services under this chapter;
- (2) carry out the longitudinal study described in section 12 of this chapter;
- (3) provide grants to potential eligible providers and existing eligible providers as set forth in section 7.4 of this chapter; and
- (4) make payments to reimburse costs incurred to provide in-home early education services under IC 12-17.2-7.5.

(b) The fund consists of:

- (1) money appropriated to the fund by the general assembly; and
- (2) grants or gifts to the fund.

(c) The fund shall be administered by the office.

(d) The expenses of administering the fund shall be paid from money in the fund.

(e) Money in the fund is continuously appropriated for the purposes provided under this article.

(f) The treasurer of state shall invest the money in the fund not

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currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

SECTION 20. IC 12-17.2-7.2-14 IS REPEALED [EFFECTIVE JULY 1, 2023]. ~~Sec. 14. This chapter expires July 1, 2026.~~

SECTION 21. IC 12-17.2-7.5-4, AS AMENDED BY P.L.165-2021, SECTION 143, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 4. (a) After completing the review under section 3 of this chapter, the office may develop and implement a reimbursement program to reimburse costs that are incurred by a parent or guardian of a child to provide in-home early education services to the child.

(b) If the office develops and implements a reimbursement program under subsection (a), the office may not give preference to a child located in a county that does not have a child care provider that meets the standards of quality recognized by a Level 3 or Level 4 Paths to QUALITY program rating located in the county.

(c) The office may develop reimbursement rates for the reimbursement of in-home early education services.

(d) Reimbursement by the office under this section may be funded from any of the following sources:

- (1) Federal grants.
- (2) State appropriations.
- (3) Money from a political subdivision (as defined in IC 36-1-2-13).
- (4) Money from the prekindergarten pilot program fund established by IC 12-17.2-7.2-13.5.

SECTION 22. IC 20-18-2-22, AS AMENDED BY P.L.165-2021, SECTION 148, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 22. (a) "Teacher" means a professional person whose position in a school corporation requires certain educational preparation and licensing and whose primary responsibility is the instruction of students.

(b) Except as provided in subsection (d), for purposes of IC 20-28, the term includes the following:

- (1) A superintendent who holds a license under IC 20-28-5.
- (2) A principal.
- (3) A teacher.
- (4) A librarian.
- (5) A school counselor.
- (6) A school psychologist.

(c) For purposes of IC 20-43-10-3.5, the term means a professional person whose position with a:

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- (1) school corporation;
- (2) special education cooperative established under IC 20-35-5;
- (3) cooperative career and technical education program;
- (4) special education program established by an interlocal agreement under IC 36-1-7;
- (5) joint program agreement established under IC 20-26-10; or
- (6) charter school;

requires a license (as defined in IC 20-28-1-7) and whose primary responsibility is the instruction of students in the classroom or virtual classroom.

(d) "Teacher" for purposes of IC 20-28-9-26 **and** IC 20-28-9-27 **and** ~~IC 20-28-9-28~~; means a classroom teacher licensed under IC 20-28-5 who provides instruction to students for at least fifty percent (50%) of the teacher's work day.

(e) For purposes of IC 20-28-9-28, the term includes an adjunct teacher, school psychologist, school counselor, permanent substitute teacher, school social worker, school librarian, and speech-language pathologist or audiologist employed by a school corporation.

SECTION 23. IC 20-19-3-17, AS ADDED BY P.L.186-2018, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 17. (a) As used in this section, "foster care" has the meaning set forth in IC 31-9-2-46.7.

(b) As used in this section, "foster care youth" means students in foster care.

(c) As used in this section, "graduation rate" has the meaning set forth in IC 20-26-13-6.

(d) The state board shall, in collaboration with the department and the department of child services, annually prepare a report on foster care youth educational outcomes that includes the following:

- (1) The annual graduation rate of foster care youth, including the following information:
 - (A) The graduation rate for each of the following:
 - (i) Foster care youth who received a graduation waiver under IC 20-32-4-4.
 - (ii) Foster care youth who did not receive a graduation waiver under IC 20-32-4-4.
 - (B) The number and percentage of foster care youth who received each type of diploma.
- (2) The adjusted cohort graduation rate for foster care youth, including the adjusted cohort graduation rate for each of the following:



- (A) Foster care youth who received a graduation waiver under IC 20-32-4-4.
- (B) Foster care youth who did not receive a graduation waiver under IC 20-32-4-4.
- (3) The number and percentage for each of the following:
 - (A) Foster care youth who were promoted to the next grade level at the end of the school year.
 - (B) Foster care youth who were retained in the same grade level for the next school year.
 - (C) Foster care youth who were suspended during the school year.
 - (D) Foster care youth who were expelled during the school year.
 - (E) Foster care youth who met academic standards on statewide assessment program tests (as defined in IC 20-32-2-2.3) administered during the school year.

The information reported under this subdivision must also be disaggregated by race, grade, gender, free or reduced price lunch status, and eligibility for special education.

- (4) The number and percentage of eligible foster care youth who are enrolled in the prekindergarten ~~pilot~~ program under IC 12-17.2-7.2.
- (5) The number and percentage of foster care youth who passed the reading skills evaluation administered under IC 20-32-8.5-2.
- (6) The number and percentage of foster care youth enrolled in schools, disaggregated by the category or designation of the school under IC 20-31-8-3.
- (7) The number and percentage of foster care youth enrolled in schools, disaggregated by the type of school, including public schools, charter schools, and secure private facilities (as defined in IC 31-9-2-115).
- (e) Not later than June 30, 2019, the department shall:
 - (1) after consulting with the department of child services, develop a remediation plan concerning foster care youth; and
 - (2) submit a copy of the remediation plan to the following:
 - (A) The state board.
 - (B) The department of child services.
 - (C) The legislative council in an electronic format under IC 5-14-6.
- (f) Before April 1, 2019, and before April 1 each year thereafter, the department shall submit the report described in subsection (d) to the following:

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(1) Department of child services.

(2) Legislative council in an electronic format under IC 5-14-6.

SECTION 24. IC 20-19-3-18, AS ADDED BY P.L.186-2018, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 18. (a) As used in this section, "graduation rate" has the meaning set forth in IC 20-26-13-6.

(b) The state board shall, in collaboration with the department and the department of child services, annually prepare a report on homeless youth educational outcomes that includes the following:

(1) The annual graduation rate of homeless youth, including the following information:

(A) The graduation rate for each of the following:

(i) Homeless youth who received a graduation waiver under IC 20-32-4-4.

(ii) Homeless youth who did not receive a graduation waiver under IC 20-32-4-4.

(B) The number and percentage of homeless youth who received each type of diploma.

(2) The adjusted cohort graduation rate for homeless youth, including the adjusted cohort graduation rate for each of the following:

(A) Homeless youth who received a graduation waiver under IC 20-32-4-4.

(B) Homeless youth who did not receive a graduation waiver under IC 20-32-4-4.

(3) The number and percentage of each of the following:

(A) Homeless youth who were promoted to the next grade level at the end of the school year.

(B) Homeless youth who were retained in the same grade level for the next school year.

(C) Homeless youth who were suspended during the school year.

(D) Homeless youth who were expelled during the school year.

(E) Homeless youth who met academic standards on statewide assessment program tests (as defined in IC 20-32-2-2.3) administered during the school year.

The information reported under this subdivision must also be disaggregated by race, grade, gender, free or reduced price lunch status, and eligibility for special education.

(4) The number and percentage of eligible homeless youth who are enrolled in the prekindergarten ~~pitot~~ program under IC 12-17.2-7.2.



(5) The number and percentage of homeless youth who passed the reading skills evaluation administered under IC 20-32-8.5-2.

(6) The number and percentage of homeless youth enrolled in schools, disaggregated by the category or designation of the school under IC 20-31-8-3.

(7) The number and percentage of homeless youth enrolled in schools, disaggregated by the type of school, including public schools, charter schools, and secure private facilities (as defined in IC 31-9-2-115).

(c) Not later than August 31, 2019, the department shall:

(1) develop a remediation plan concerning homeless youth; and

(2) submit a copy of the remediation plan to the following:

(A) The state board.

(B) The Indiana housing and community development authority established by IC 5-20-1-3.

(C) The legislative council in an electronic format under IC 5-14-6.

(d) Before June 1, 2019, and before June 1 each year thereafter, the department shall submit the report described in subsection (b) to the following:

(1) The Indiana housing and community development authority.

(2) The legislative council in an electronic format under IC 5-14-6.

SECTION 25. IC 20-19-3-29 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 29. The department shall establish and maintain on the department's website a public data base of information provided by each public school in accordance with IC 20-26-5-42 concerning employees of each public school who were physically injured while on the job by students of the public school."**

Page 6, between lines 33 and 34, begin a new paragraph and insert:

"SECTION 28. IC 20-26-5-42 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 42. (a) This section applies to the following:**

(1) **A public school, including a charter school.**

(2) **Physical injuries that occur after June 30, 2023.**

(b) **Each public school shall provide to the department, in a manner prescribed by the department, information concerning an employee of the public school who was physically injured while on the job by a student of the public school if the injury:**



- (1) is required to be reported to the public school's worker's compensation carrier;**
- (2) causes the employee to miss all or part of one (1) or more work days; or**
- (3) is required to be reported to the public school pursuant to the public school's reporting policy.**

(c) A public school may not provide information under subsection (b) that identifies the employee or the student.

(d) Nothing in this section shall be construed to prohibit a public school from providing identifying information otherwise required by law or rule.

SECTION 29. IC 20-26-5-43 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 43. If the superintendent of a school corporation:**

(1) becomes aware of possible criminal activity involving a current or former school employee or contractor that:

(A) may have occurred on school property or at a school approved activity or event not on school property; and

(B) may have involved a current or former student who was a student at the time of the possible criminal activity;

or

(2) initiates an investigation of a personnel matter that could result in a suspension or termination of a school employee; the superintendent shall, within five (5) business days, inform all members of the governing body.

SECTION 30. IC 20-26-5-44 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 44. The superintendent of a school corporation shall promptly and fully inform the governing body of any matter or related matters involving legal expenses reasonably expected to exceed five thousand dollars (\$5,000).**

SECTION 31. IC 20-26-13-10, AS AMENDED BY P.L.32-2021, SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 10. (a) 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:

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- (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 and subsection (b), 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.
- (J) Withdrawing from school before graduation pursuant to providing notice of withdrawal under section 17 of this chapter.
- (K) Participating in the high school equivalency pilot program under IC 20-30-8.5, unless the student fails to successfully complete the high school equivalency pilot program in the two (2) year period. This clause expires June 30, 2024.
- (L) Participating in dropout recovery educational services under IC 20-31-8-4.6.**

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.
- (b) This subsection applies to a high school in which:
- (1) for a:
 - (A) cohort of one hundred (100) students or less, at least ten percent (10%) of the students left a particular cohort for a reason described in subsection (a) STEP THREE clause (B);
 - or
 - (B) cohort of more than one hundred (100) students, at least five percent (5%) of the students left a particular cohort for a reason described in subsection (a) STEP THREE clause (B);
 - and
 - (2) the students described in subdivision (1)(A) or (1)(B) are not on track to graduate with their cohort.

A high school must submit a request to the state board in a manner prescribed by the state board requesting that the students described in this subsection be included in the subsection (a) STEP THREE calculation. The state board shall review the request and may grant or deny the request. The state board shall deny the request unless the high school demonstrates good cause to justify that the students described in this subsection should be included in the subsection (a) STEP THREE calculation. If the state board denies the request the high school may not subtract the students described in this subsection under subsection (a) STEP THREE.

SECTION 32. IC 20-28-9-28, AS AMENDED BY P.L.132-2022, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 28. (a) For each school year in a state fiscal year beginning after June 30, ~~2021~~, **2023**, a school corporation shall expend an amount for ~~full-time~~ teacher ~~salaries compensation~~ that is not less than an amount equal to ~~forty-five~~ **sixty-two** percent (~~45%~~) (**62%**) of the state tuition support distributed to the school corporation during the state fiscal year. For purposes of determining whether a school corporation has complied with this requirement, the amount a school corporation expends for ~~full-time~~ teacher ~~salaries compensation~~ shall include the amount the school corporation expends for **adjunct teachers, supplemental pay for teachers, stipends, and for participating in a special education cooperative or a career and technical education cooperative an interlocal agreement or consortium** that is directly attributable to the ~~salaries compensation~~

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of ~~full-time~~ teachers employed by the cooperative as determined by the department. **or interlocal agreement or consortium. Teacher benefits include all benefit categories collected by the department for Form 9 purposes.**

(b) If a school corporation determines that the school corporation cannot comply with the requirement under subsection (a) for a particular school year, the school corporation shall apply for a waiver from the department.

(c) The waiver application must include an explanation of the financial challenges, with detailed data, that preclude the school corporation from meeting the requirement under subsection (a) and describe the cost saving measures taken by the school corporation in attempting to meet the requirement in subsection (a). The waiver may also include an explanation of an innovative or efficient approach in delivering instruction that is responsible for the school corporation being unable to meet the requirement under subsection (a).

(d) If, after review, the department determines that the school corporation has exhausted all reasonable efforts in attempting to meet the requirement in subsection (a), the department may grant the school corporation a one (1) year exception from the requirement.

(e) A school corporation that receives a waiver under this section shall work with the department to develop a plan to identify additional cost saving measures and any other steps that may be taken to allow the school corporation to meet the requirement under subsection (a).

(f) A school corporation may not receive more than three (3) waivers under this section.

(g) Before November 1, 2022, and before November 1 of each year thereafter, the department shall submit a report to the legislative council in an electronic format under IC 5-14-6 and the state budget committee that contains information as to:

- (1) the percent and amount that each school corporation expended and the statewide total expended for ~~full-time~~ teacher **salaries compensation;**
- (2) the percent and amount that each school corporation expended and statewide total expended for ~~full-time~~ teacher benefits, including health, dental, life insurance, and pension benefits;
- (3) whether the school corporation met the requirement set forth in subsection (a); and
- (4) whether the school corporation received a waiver under subsection (d).

SECTION 33. IC 20-31-8-4.6, AS ADDED BY P.L.217-2017, SECTION 105, IS AMENDED TO READ AS FOLLOWS

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[EFFECTIVE JULY 1, 2023]: Sec. 4.6. (a) If a school corporation or a charter school enters into an agreement with an eligible school (as defined in IC 20-51-1-4.7) to provide dropout recovery educational services for an at-risk student who is enrolled at a public school, the student may not be included in the calculation of the public school's:

- (1) category or designation of school performance; **or**
- (2) graduation rate calculation.**

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

SECTION 34. IC 20-35-6-4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 4. (a) This section applies to a case conference committee for a student in grades 8 through 12.**

(b) At a case conference committee meeting, the committee shall start addressing decision making skills, which shall include a discussion of supported decision making and other alternative options or programs for the student in lieu of the appointment of a guardian and whether these options are necessary. The case conference committee shall include in the individualized education program or a plan developed under Section 504 of the federal Rehabilitation Act of 1973, 29 U.S.C. 794 notes relating to the discussion of alternative options or programs."

Page 7, line 10, after "study" insert "leading to industry recognized credentials and".

Page 7, delete line 11.

Page 7, line 12, delete "networking, or software development career pathways".

Page 7, line 13, after "." insert "Any in-person instruction required as a result of an industry requirement shall be provided by the virtual provider."

Page 7, line 17, after "grant" insert "and graduation pathway requirements".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1591 as introduced.)

BEHNING

Committee Vote: yeas 13, nays 0.

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COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred House Bill No. 1591, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, delete lines 1 through 15, begin a new paragraph and insert:

"SECTION 1. IC 5-15-1-2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 2. (a) For purposes of this section, "administration" refers to the Indiana archives and records administration created by IC 5-15-5.1.**

(b) The administration shall do the following:

(1) Establish procedures to retain an original record, document, plat, paper, or instrument-in-writing described in section 1 of this chapter in an electronic format.

(2) After the administration has established a procedure described in subdivision (1), establish a period of time after which an original record, document, plat, paper, or instrument-in-writing may be destroyed.

(3) Not later than November 1, 2023, prepare and submit a report to the general assembly in an electronic format under IC 5-14-6 regarding the:

(A) procedure established under subdivision (1); and

(B) period of time established under subdivision (2).

This subdivision expires July 1, 2024."

Page 2, delete lines 1 through 32.

Page 3, between lines 16 and 17, begin a new paragraph and insert:

"SECTION 4. IC 12-17.2-3.5-14.5, AS ADDED BY P.L.184-2017, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 14.5. Not later than July 1, 2017;** The division shall develop a provider rate reimbursement schedule:

(1) that uses money appropriated by the general assembly as an incentive for providers that are eligible to receive voucher payments under this chapter to meet the standards of quality recognized by a Level 3 or Level 4 Paths to QUALITY program rating; and

(2) under which, to the extent not inconsistent with federal law, the highest rate does not differ from the lowest rate by more than fifty percent (50%)."

Page 4, between lines 26 and 27, begin a new line block indented and insert:

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"This subdivision expires January 1, 2025."

Page 4, between lines 38 and 39, begin a new line block indented and insert:

"This subdivision expires July 1, 2024."

Page 6, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 6. IC 12-17.2-4-2, AS AMENDED BY P.L.128-2012, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 2. (a) A license may be issued only if a child care center is in compliance with food, health, safety, and sanitation standards as determined by the division under rules adopted by the division under IC 12-17.2-2-4 or in accordance with a variance or waiver approved by the division under IC 12-17.2-2-10.

(b) A license may be issued only if the child care center is in substantial compliance with the fire and life safety rules as determined by the state fire marshal under rules adopted by the division under IC 12-17.2-2-4 or in accordance with a variance or waiver approved by the division under IC 12-17.2-2-10.

(c) The division may issue a waiver or variance regarding a determination by the division or the state fire marshal under subsections (a) and (b).

(d) At least one (1) adult individual who maintains ~~annual~~ **current** certification in a course of cardiopulmonary resuscitation applicable to all age groups of children cared for by the child care center shall be present at all times when a child is in the care of a child care center. **Certifications accepted under this subsection must include a live return demonstration of skills.**

(e) An individual who:

- (1) is employed; or
- (2) volunteers;

as a caregiver at a child care center shall maintain current certification in first aid applicable to all age groups of children cared for by the child care center.

SECTION 7. IC 12-17.2-5-18.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 18.2. (a) At least one (1) adult individual who maintains ~~annual~~ **current** certification in a course of cardiopulmonary resuscitation applicable to all age groups of children cared for by the child care home shall be present at all times when a child is in the care of a child care home. **Certifications accepted under this subsection must include a live return demonstration of skills.**

(b) An individual who:

- (1) is employed; or



(2) volunteers;
 as a caregiver at a child care home shall maintain current certification in first aid applicable to all age groups of children cared for by the child care home.

SECTION 8. IC 12-17.2-6-7.5, AS ADDED BY P.L.9-2020, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 7.5. (a) At least one (1) adult individual who maintains ~~annual~~ **current** certification in a course of cardiopulmonary resuscitation applicable to all age groups of children cared for by the child care ministry shall be present at all times when a child is in the care of a child care ministry. **Certifications accepted under this subsection must include a live return demonstration of skills.**

(b) An individual who:

- (1) is employed; or
- (2) volunteers;

as a caregiver at a child care ministry shall maintain current certification in first aid applicable to all age groups of children cared for by the child care ministry."

Page 13, line 39, delete "(a) The" and insert "(a) **At least once every five (5) years, the**".

Page 13, line 40, delete "periodically".

Page 16, delete lines 34 through 38, begin a new paragraph and insert:

"(e) For purposes of IC 20-28-9-28, the term includes an adjunct teacher and permanent substitute teacher employed by a school corporation."

Page 20, line 1, delete "IC 20-19-3-29" and insert "IC 20-19-3-27.5".

Page 20, line 3, delete "29." and insert "**27.5**".

Page 21, delete lines 32 through 39, begin a new paragraph and insert:

"(e) If a board or innovational network team fails to follow the renewal process described in subsection (b)(6), the board or innovation network team may appeal to the state board. The state board shall hear the appeal in a public meeting and ensure that the board or innovation network team follows the renewal process specified in the agreement. The board may not terminate an agreement until the board has provided evidence to the state board that the board has complied with the renewal process specified in the agreement. The state board shall issue a decision on an appeal under this subsection not later than sixty (60) days after the date the board or innovation network team submitted the appeal to the



state board."

Page 22, between lines 26 and 27, begin a new paragraph and insert:

"(c) A school corporation and an innovation network team may negotiate to require specific services with regard to an innovation network school during the term of an agreement. However, subject to subsection (d), an innovation network team must be able to select the service provider for the services.

(d) A school corporation may require an innovation network school to:

- (1) use the school corporation's student information system;**
- and**
- (2) comply with the school corporation's networking, cybersecurity, and device standards.**

However, nothing in this subsection may be construed to allow a school corporation to alter an innovation network team's autonomy to determine the academic programming of the innovation network team's school."

Page 22, line 27, strike "(c)" and insert "(e)".

Page 22, line 36, delete "(d)" and insert "(f)".

Page 24, delete lines 13 through 19, begin a new paragraph and insert:

"(f) If the board or organizer fails to follow the process described in subsection (b)(4), the board or organizer may appeal to the state board. The state board shall hear the appeal in a public meeting and ensure that the board or organizer follows the renewal process specified in the agreement. The board may not terminate an agreement until the board has provided evidence to the state board that the board has complied with the renewal process specified in the agreement. The state board shall issue a decision on an appeal under this subsection not later than sixty (60) days after the date the board or organizer submitted the appeal to the state board."

Page 25, between lines 2 and 3, begin a new paragraph and insert:

"(c) A school corporation and an organizer may negotiate to require specific services with regard to a participating innovation network charter school during the term of an agreement. However, an organizer must be able to the select the service provider for the services."

Page 25, line 3, strike "(c)" and insert "(d)".

Page 25, line 12, delete "(d)" and insert "(e)".

Page 25, line 36, delete "IC 20-26-5-43" and insert "IC 20-26-5-42.3".



Page 25, line 38, delete "43." and insert "**42.3**".

Page 26, line 5, delete "initiates" and insert "**concludes**".

Page 26, line 5, after "that" insert "**results in or**".

Page 26, line 14, delete "five thousand dollars (\$5,000)." and insert "**an amount specified by the governing body**".

Page 26, line 18, delete "chapter," and insert "chapter **and subject to IC 20-31-8-4.6**".

Page 27, delete lines 22 through 23.

Page 28, delete lines 10 through 42, begin a new paragraph and insert:

"SECTION 38. IC 20-28-9-28, AS AMENDED BY P.L.132-2022, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 28. (a) For each school year in a state fiscal year beginning after June 30, ~~2021~~, **2023**, a school corporation shall expend an amount for ~~full-time~~ teacher ~~salaries~~ **compensation** that is not less than an amount equal to ~~forty-five~~ **sixty-two** percent (~~45%~~) (**62%**) of the state tuition support distributed to the school corporation during the state fiscal year. For purposes of determining whether a school corporation has complied with this requirement, the amount a school corporation expends for ~~full-time~~ teacher ~~salaries~~ **compensation** shall include the amount the school corporation expends for:

(1) supplemental pay for teachers;

(2) stipends for teachers; and

(3) participating in a special education cooperative or a career and technical education cooperative ~~an interlocal agreement or consortium~~ that is directly attributable to the ~~salaries compensation~~ of ~~full-time~~ teachers employed by the cooperative as ~~determined by the department~~. **or interlocal agreement or consortium.**

Teacher benefits include all benefit categories collected by the department for Form 9 purposes.

(b) If a school corporation determines that the school corporation cannot comply with the requirement under subsection (a) for a particular school year, the school corporation shall apply for a waiver from the department.

(c) The waiver application must include an explanation of the financial challenges, with detailed data, that preclude the school corporation from meeting the requirement under subsection (a) and describe the cost saving measures taken by the school corporation in attempting to meet the requirement in subsection (a). The waiver may also include an explanation of an innovative or efficient approach in delivering instruction that is responsible for the school corporation



being unable to meet the requirement under subsection (a).

(d) If, after review, the department determines that the school corporation has exhausted all reasonable efforts in attempting to meet the requirement in subsection (a), the department may grant the school corporation a one (1) year exception from the requirement.

(e) A school corporation that receives a waiver under this section shall work with the department to develop a plan to identify additional cost saving measures and any other steps that may be taken to allow the school corporation to meet the requirement under subsection (a).

(f) A school corporation may not receive more than three (3) waivers under this section.

(g) Before November 1, 2022, and before November 1 of each year thereafter, the department shall submit a report to the legislative council in an electronic format under IC 5-14-6 and the state budget committee that contains information as to:

- (1) the percent and amount that each school corporation expended and the statewide total expended for ~~full-time~~ teacher ~~salaries;~~ **compensation;**
- (2) the percent and amount that each school corporation expended and statewide total expended for ~~full-time~~ teacher benefits, including health, dental, life insurance, and pension benefits;
- (3) whether the school corporation met the requirement set forth in subsection (a); and
- (4) whether the school corporation received a waiver under subsection (d)."

Page 29, delete lines 1 through 33, begin a new paragraph and insert:

"SECTION 40. IC 20-31-8-4.6, AS ADDED BY P.L.217-2017, SECTION 105, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 4.6. (a) If a school corporation or a charter school enters into an agreement with an eligible school (as defined in IC 20-51-1-4.7) to provide dropout recovery educational services for an at-risk student who is enrolled at a public school, the student:

- (1) may not be included in the calculation of the public school's:
 - (A) category or designation of school performance; **and**
 - (B) **graduation rate calculation; and**
- (2) **shall be included in the eligible school's graduation rate calculation.**

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

Page 30, delete lines 18 through 31.



Page 31, after line 42, begin a new paragraph and insert:

"SECTION 44. IC 20-51-1-5, AS AMENDED BY P.L.165-2021, SECTION 172, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 5. "Eligible student" refers to an individual who:

- (1) has legal settlement in Indiana;
- (2) is at least ~~five (5)~~ **four (4)** years of age and less than twenty-two (22) years of age on the date in the school year specified in IC 20-33-2-7;
- (3) either has been or is currently enrolled in a participating school; and
- (4) is a member of a household with an annual income of not more than three hundred percent (300%) of the amount required for the individual to qualify for the federal free or reduced price lunch program."

Page 32, delete lines 12 through 29, begin a new line block indented and insert:

"(1) The lesser of the following:

(A) The sum of the tuition or transfer tuition and fees required for enrollment or attendance of the eligible choice scholarship student at the eligible school ~~selected by the eligible choice scholarship student for a school year~~ that the eligible choice scholarship student (or the parent of the eligible choice scholarship student) would ~~otherwise~~ be obligated to pay to the eligible school.

(B) For the state fiscal year beginning July 1, 2021, and each state fiscal year thereafter, an amount equal to ninety percent (90%) of the state tuition support amount determined under section 5 of this chapter."

Page 33, line 8, after "eligible" insert "**choice scholarship**".

Page 33, line 16, delete "corporations" and insert "corporations, **charter schools**".

Page 33, line 25, delete "corporations" and insert "corporations, **charter schools**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass and be reassigned to the Senate Committee on Appropriations.

(Reference is to HB 1591 as printed February 20, 2023.)

RAATZ, Chairperson

Committee Vote: Yeas 11, Nays 2.

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COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred House Bill No. 1591, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, delete lines 31 through 42.

Page 13, delete lines 21 through 42.

Page 14, delete lines 1 through 4.

Page 17, delete lines 3 through 35, begin a new paragraph and insert:

"SECTION 26. IC 20-18-2-22, AS AMENDED BY P.L.165-2021, SECTION 148, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 22. (a) "Teacher" means a professional person whose position in a school corporation requires certain educational preparation and licensing and whose primary responsibility is the instruction of students.

(b) Except as provided in ~~subsection~~ **subsections (d) and (e)**, for purposes of IC 20-28, the term includes the following:

- (1) A superintendent who holds a license under IC 20-28-5.
- (2) A principal.
- (3) A teacher.
- (4) A librarian.
- (5) A school counselor.
- (6) A school psychologist.

(c) For purposes of IC 20-43-10-3.5, the term means a professional person whose position with a:

- (1) school corporation;
- (2) special education cooperative established under IC 20-35-5;
- (3) cooperative career and technical education program;
- (4) special education program established by an interlocal agreement under IC 36-1-7;
- (5) joint program agreement established under IC 20-26-10; or
- (6) charter school;

requires a license (as defined in IC 20-28-1-7) and whose primary responsibility is the instruction of students in the classroom or virtual classroom.

(d) "Teacher", for purposes of IC 20-28-9-26 **and** ~~IC 20-28-9-28~~; means a classroom teacher licensed under IC 20-28-5 who provides instruction to students for at least fifty percent (50%) of the teacher's work day.

(e) "Teacher", for purposes of **IC 20-28-9-28**, means a



classroom teacher licensed under IC 20-28-5 who provides instruction to students for at least fifty percent (50%) of the teacher's work day. The term includes an adjunct teacher and permanent substitute teacher employed by a school corporation."

Page 22, line 29, delete "innovational" and insert "**innovation**".

Page 31, delete lines 34 through 42.

Delete pages 32 through 33.

Page 34, delete lines 1 through 34.

Page 34, line 39, reset in roman "Indiana".

Page 34, line 40 delete ", charter schools, or nonpublic schools in" and insert "**or charter schools.**".

Page 34, delete line 41.

Page 35, line 8, reset in roman "Indiana".

Page 35, line 8 delete ", charter schools, or" and insert "**or charter schools**".

Page 35, line 9, delete "nonpublic schools in Indiana".

Page 35, delete lines 12 through 42.

Delete page 36.

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to EHB 1591 as printed March 24, 2023.)

MISHLER, Chairperson

Committee Vote: Yeas 12, Nays 0.

SENATE MOTION

Madam President: I move that Engrossed House Bill 1591 be amended to read as follows:

Page 30, between lines 39 and 40, begin a new paragraph and insert:

"SECTION 39. IC 20-35-6-5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 5. (a) As used in this section, "community intellectual disability and other developmental disabilities centers" has the meaning set forth in IC 12-7-2-39.**

(b) At a case conference committee meeting regarding a transition individualized education program described in 511 IAC 7-43-4, a public school, including a charter school, shall

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provide to the student and parent of the student written information that includes the:

- (1) location of;**
- (2) contact information regarding; and**
- (3) services offered by;**

community intellectual disability and other developmental disabilities centers that are located or provide services in the county in which the student resides."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1591 as printed April 14, 2023.)

BOHACEK

