

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

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

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

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

## HOUSE ENROLLED ACT No. 1591

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AN ACT to amend the Indiana Code concerning education.

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

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.**

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:**

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- (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.**
- This subdivision expires January 1, 2025.**
- (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.**

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

- (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 12-17.2-4-2, 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 6. 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 7. 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.

SECTION 8. 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 9. 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 10. 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 11. 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:

- (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 12. 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 13. 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 14. 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 15. 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 16. 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 17. 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 18. 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) **At least once every five (5) years, the office, in cooperation with the department of education,** shall 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 19. 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 20. 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 21. 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 currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

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

SECTION 23. 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 24. 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 20-28-9-27, ~~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 counselor, and permanent substitute teacher employed by a school corporation.**

SECTION 25. 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:

(1) Department of child services.

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

SECTION 26. 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 ~~pilot~~ 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 27. IC 20-19-3-27.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 27.5. 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.

SECTION 28. IC 20-19-11 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]:

**Chapter 11. Posting School Information Provided by the Department**

**Sec. 1. This chapter applies only to the following:**

- (1) A public school, including a charter school.**
- (2) A state accredited nonpublic school.**

**Sec. 2. (a) The department shall do the following:**

- (1) Beginning with the 2022-2023 school year, provide for each school year the following information to each elementary school:**

- (A) The pass rate for the following:**

- (i) The reading skills evaluation administered under IC 20-32-8.5-2.**
- (ii) The ILEARN assessment for English/language arts.**
- (iii) The ILEARN assessment for math.**

- (B) The student chronic absenteeism rate.**

- (C) The per student funding for the elementary school or school corporation, as determined by the department.**

- (2) Beginning with the 2022-2023 school year, provide for each school year the following information to each high school:**

- (A) The average composite SAT score for students enrolled in the high school.**

- (B) The graduation rate.**

- (C) The graduation rate excluding students that receive a graduation waiver under IC 20-32-3 through IC 20-32-5.1.**

- (D) The percentage of all students who enrolled in and passed any of the following:**

- (i) An advanced placement exam.**
- (ii) An international baccalaureate exam.**
- (iii) A dual credit course.**
- (iv) A Cambridge International exam.**

- (E) The per student funding for the high school or school corporation, as determined by the department.**

- (3) Rank the following:**

- (A) The information described in subdivision (1)(A) as compared with all elementary schools described in section 1 of this chapter.**



**(B) The information described in subdivision (2)(A) through (2)(D) as compared with all high schools described in section 1 of this chapter.**

**(b) In addition to the ranking requirements under subsection (a)(3), the department shall disaggregate the data by free and reduced price lunch quartiles and rank schools accordingly within the quartiles.**

**Sec. 3. Not later than October 15, 2023, and not later than October 15 of each year thereafter, each elementary school and high school shall post the information provided by the department under section 2 of this chapter on the respective school's website home page in a manner and form prescribed by the department.**

**Sec. 4. This chapter expires January 1, 2026.**

SECTION 29. IC 20-25.7-4-5, AS AMENDED BY P.L.269-2019, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 5. (a) The board shall enter into an agreement with an innovation network team to establish an innovation network school or to reconstitute an eligible school as an innovation network school under section 3 or 4 of this chapter. An innovation network team may consist of or include teachers, a principal, a superintendent, or any combination of these individuals who were employed at the eligible school before the agreement is entered.

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

- (1) A statement that the innovation network school is considered to be part of the school corporation and not considered a separate local educational agency.**
- (2) A statement that the innovation network team authorizes the department to include the innovation network school's performance assessment results under IC 20-31-8 when calculating the school corporation's performance assessment under rules adopted by the state board.**
- (3) The amount of state and federal funding, including tuition support, and money levied as property taxes that will be distributed by the school corporation to the innovation network school.**
- (4) The performance goals and accountability metrics agreed upon for the innovation network school.**
- (5) Grounds for termination of the agreement, including the right of termination if the innovation network team fails to:**
  - (A) comply with the conditions or procedures established in the agreement;**
  - (B) meet generally accepted fiscal management and**



government accounting principles;

(C) comply with applicable laws; or

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

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

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

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

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

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

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

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

**(e) If a board or innovation 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.

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

SECTION 30. IC 20-25.7-4-6, AS ADDED BY P.L.214-2015, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 6. (a) For as long as an innovation network team operates an innovation network school:

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

(2) the school corporation may:

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

(B) maintain and repair the buildings and grounds consistent with the maintenance and repair to the school corporation's other buildings and grounds; ~~and~~

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

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

(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.**

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

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

SECTION 31. IC 20-25.7-5-2, AS AMENDED BY P.L.165-2021, SECTION 153, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 2. (a) The board may enter into an agreement with an organizer to reconstitute an eligible school as a participating innovation network charter school or to establish a participating innovation network charter school at a location selected by the board within the boundary of the school corporation. Notwithstanding IC 20-26-7.1, a participating innovation network charter school may be established within a vacant school building.

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

- (1) A statement that the organizer authorizes the department to include the charter school's performance assessment results under IC 20-31-8 when calculating the school corporation's performance assessment under rules adopted by the state board.
- (2) The amount of state funding, including tuition support (if the participating innovation network charter school is treated in the same manner as a school operated by the school corporation under subsection (d)(2)), and money levied as property taxes that will be distributed by the school corporation to the organizer.
- (3) The performance goals and accountability metrics agreed upon for the charter school in the charter agreement between the



organizer and the authorizer.

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

(c) If an organizer and the board enter into an agreement under subsection (a), the organizer and the board shall notify the department that the agreement has been made under this section within thirty (30) days after the agreement is entered into.

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

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

(2) the department shall treat the participating innovation network charter school in the same manner as a school operated by the school corporation when calculating the total amount of state funding to be distributed to the school corporation unless subsection (e) applies; and

(3) if requested by a participating innovation network charter school that reconstitutes an eligible school, the department may use student growth as the state board's exclusive means to determine the innovation network charter school's category or designation of school improvement under 511 IAC 6.2-10-10 for a period of three (3) years. Beginning with the 2019-2020 school year, the department may not use student growth as the state board's exclusive means to determine an innovation network charter school's category or designation of school improvement.

This subdivision expires July 1, 2023.

(e) If a participating innovation network school was established before January 1, 2016, and for the current school year has a complexity index that is greater than the complexity index for the school corporation that the innovation network school has contracted with, the innovation network school shall be treated as a charter school for purposes of determining tuition support. This subsection expires June 30, 2023.

**(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.

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

SECTION 32. IC 20-25.7-5-3, AS ADDED BY P.L.214-2015, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 3. (a) For as long as a charter school remains a participating innovation network charter school, the school corporation may:

- (1) provide transportation for students attending the participating innovation network charter school; ~~and~~
- (2) maintain and repair the buildings and grounds used by the participating innovation network charter school consistent with the maintenance and repair to the school corporation's other buildings and grounds; **and**
- (3) enter into an agreement to transfer the ownership of a school corporation facility to the organizer.**

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

**(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 select the service provider for the services.**

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



this chapter to implement this subsection.

**(e) An agreement concerning the transfer of ownership of a school corporation facility described in subsection (a) is not subject to IC 20-26-7.1.**

SECTION 33. 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 34. IC 20-26-5-42.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 42.3. 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) concludes an investigation of a personnel matter that results in or 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 35. 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 an amount specified by the governing body.**

SECTION 36. IC 20-26-13-10, AS AMENDED BY HEA 1635-2023, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 10. (a) Except as provided in section 11 of this chapter and subject to **IC 20-31-8-4.6** and IC 20-32-4-14, the four (4) year graduation rate for a cohort in a high school is the percentage determined under STEP FIVE of the following formula:

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

STEP TWO: Add:

- (A) the number determined under STEP ONE; and
- (B) the number of students who:
  - (i) have enrolled in the high school after the date on which the number determined under STEP ONE was determined; and
  - (ii) have the same expected graduation year as the cohort.

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

- (A) Transfer to another public or nonpublic school.
- (B) Except as provided in IC 20-33-2-28.6 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.

STEP FOUR: Determine the result of:

(A) the total number of students determined under STEP TWO who have graduated during the current reporting year or a previous reporting year; minus

(B) the amount by which the number of students who graduated through a waiver process required under IC 20-32-3 through IC 20-32-5.1 exceeds:

(i) nine percent (9%) of the total number of students determined under clause (A) for the 2023-2024 school year;

(ii) six percent (6%) of the total number of students determined under clause (A) for the 2024-2025 school year;

or

(iii) three percent (3%) of the total number of students determined under clause (A) for each school year after June 30, 2025.

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 37. 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 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 38. 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.

SECTION 39. 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.

SECTION 40. IC 20-36-6-4, AS ADDED BY P.L.216-2021, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 4. (a) The Cambridge International program is established to encourage students to pursue advanced courses.

(b) The program shall be administered by the department. ~~provided Cambridge International demonstrates alignment to dual credit courses offered in Indiana in a manner determined by the commission for higher education.~~

(c) ~~After June 30, 2021, Subject to appropriation by the general assembly,~~ the department ~~may~~ **shall** provide schools the same per pupil exam fee amounts for international baccalaureate ~~and Cambridge International exams and college level examination program (CLEP) exams~~ as the per pupil per exam funding amount for a student to take advanced placement exams.

SECTION 41. IC 20-37-4 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]:

#### **Chapter 4. Virtual Career and Technical Education Courses**

**Sec. 1. (a) Any course that meets the requirements of a career and technical education program under IC 20-43-8-7.5 may be taught virtually by a virtual provider if:**

- (1) the program of study leads to an industry recognized credential;**
- (2) the course was approved by the state board under IC 20-43-8-7.5; and**
- (3) all instruction required to be in person by the agency that receives, distributes, and accounts for all funds received for career and technical education under the Carl D. Perkins Vocational and Applied Technology Act (20 U.S.C. 2301 et seq.) as described in IC 20-19-2-19 are conducted through:**

- (A) an employer provided work based learning program;**
- or**



**(B) a career and technical education center.**

**(b) A course described in subsection (a) that meets the requirements to receive a career and technical education grant under IC 20-43-8 is eligible for a career and technical education grant.**

SECTION 42. IC 20-51-1-8, AS ADDED BY P.L.182-2009(ss), SECTION 364, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 8. "School scholarship" refers to a grant to pay only the cost of education **or prekindergarten tuition or expenses** for an eligible student as determined for the school year (as defined in IC 20-18-2-17) for which the scholarship will be granted.

SECTION 43. IC 20-51-4-3, AS AMENDED BY P.L.106-2016, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 3. (a) An eligible school may not discriminate on the basis of race, color, or national origin.

(b) An eligible school shall abide by the school's written admission policy fairly and without discrimination with regard to students who:

- (1) apply for; or
- (2) are awarded;

scholarships under this chapter.

~~(c)~~ **(e) If the number of applicants for enrollment in an eligible school under a choice scholarship exceeds the number of choice scholarships available to the eligible school, the eligible school must draw at random in a public meeting the applications of applicants who are entitled to a choice scholarship from among the applicants who meet the requirements for admission to the eligible school.**

~~(d)~~ **(c)** The department shall make random visits to at least five percent (5%) of eligible schools during a particular school year to verify that the eligible school complies with the provisions of this chapter and the Constitutions of the State of Indiana and the United States.

~~(e)~~ **(d)** Each eligible school shall grant the department reasonable access to its premises, including access to the school's grounds, buildings, and property.

~~(f)~~ **(e)** Each year the principal of each eligible school shall certify under penalties of perjury to the department that the eligible school is complying with the requirements of this chapter. The department shall develop a process for eligible schools to follow to make certifications.

SECTION 44. [EFFECTIVE JULY 1, 2022 (RETROACTIVE)] **(a) The definitions in IC 20 apply throughout this SECTION.**

**(b) Notwithstanding IC 20-31-8 and 511 IAC 6.2-10, the state board shall assign to a school or school corporation a "null" or "no**



letter grade" for the 2022-2023 and 2023-2024 school years. However, the most recent results of the school's ILEARN assessment must be included on the school's website.

(c) Notwithstanding IC 20-31-8 and 511 IAC 6.3-1, the state board shall assign an adult high school a "null" or "no letter grade" category for the 2022-2023 and 2023-2024 school years.

(d) This SECTION expires January 1, 2026.

SECTION 45. HEA 1635-2023, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: SECTION 16. (a) The definitions in IC 20 apply throughout this SECTION.

(b) The department shall develop a proposal for a revised school performance designation utilizing an "A" through "F" grading scale that is based on data contained in the Indiana Graduates Prepared to Succeed (GPS) dashboard described in IC 20-31-8-5.5.

(c) Not later than December 1, 2024, the department shall submit the proposal developed under subsection (b) to the general assembly in an electronic format under IC 5-14-6.

(d) When developing a proposal for a revised school performance designation described in subsection (b), the department shall consider using the following metrics:

- (1) The number of students who had work based learning experience in grades 9 through 12.
- (2) The percentage of students in a graduation cohort who earned a credential of value.
- (3) The percentage of students earning each diploma type.
- (4) The percentage of students who indicate their intent, upon graduation, to:
  - (A) enlist in the military;
  - (B) pursue employment;
  - (C) begin an internship or apprenticeship; or
  - (D) attend a two (2) or four (4) year postsecondary educational institution.

(e) This SECTION expires July 1, 2025.

SECTION 46. An emergency is declared for this act.



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Speaker of the House of Representatives

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President of the Senate

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President Pro Tempore

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

**HEA 1591 — CC 1**

