



March 24, 2023

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# ENGROSSED HOUSE BILL No. 1609

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DIGEST OF HB 1609 (Updated March 23, 2023 11:13 am - DI 110)

**Citations Affected:** IC 21-12; IC 22-4.1; IC 25-21.8; IC 35-52.

**Synopsis:** Workforce development matters. Repeals provisions concerning the work Indiana program. Defines "adult education and literacy activities" and requires that certain money appropriated by the general assembly be used for workforce preparation activities and integrated education and training. Removes or amends certain provisions regarding: (1) reimbursements to eligible providers for adult education that is provided to certain individuals; and (2) adult education grants provided to employers of eligible employees. Allows the department of workforce development to grant a specified diploma to an individual who demonstrates high school level skills through certain competency based assessments and obtains an industry recognized credential. Specifies the meaning of "authorization" for the purpose of certain provisions related to postsecondary proprietary educational institutions. Makes conforming changes.

**Effective:** July 1, 2023.

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## Davis, Goodrich, Criswell

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

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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.

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EH 1609—LS 6834/DI 144





March 24, 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. 1609

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

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

1 SECTION 1. IC 21-12-1-8, AS AMENDED BY P.L.152-2018,  
2 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2023]: Sec. 8. "Eligible institution", for the purposes of:  
4 (1) IC 21-12-6, refers to a postsecondary educational institution  
5 that qualifies as an eligible institution under IC 21-12-6-4; and  
6 (2) IC 21-12-8, refers to a postsecondary educational institution  
7 that:  
8 (A) operates in Indiana;  
9 (B) is either operated by the state or operated nonprofit;  
10 (C) operates an organized program of postsecondary education  
11 leading to a technical certificate, nursing diploma, or associate  
12 or baccalaureate degree; and  
13 (D) is **authorized by the department of workforce**  
14 **development under IC 22-4.1-21 or** accredited by:  
15 (i) a recognized regional accrediting agency;  
16 (ii) the board for proprietary education under IC 21-18.5-6;  
17 **or**

**EH 1609—LS 6834/DI 144**



1 (iii) the Indiana state board of nursing, or  
 2 (iv) the department of workforce development under  
 3 IC 22-4.1-21.

4 SECTION 2. IC 22-4.1-4-14.2 IS ADDED TO THE INDIANA  
 5 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 6 [EFFECTIVE JULY 1, 2023]: **Sec. 14.2. (a) In a manner consistent**  
 7 **with federal law, before January 1, 2025, the department shall**  
 8 **replace its IN Demand Ranking Methodology with a new**  
 9 **occupational value methodology.**

10 **(b) This section expires July 1, 2026.**

11 SECTION 3. IC 22-4.1-18-2, AS AMENDED BY P.L.152-2018,  
 12 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 13 JULY 1, 2023]: Sec. 2. The department may grant **the following:**

14 **(1) An Indiana high school equivalency diploma to an individual**  
 15 **who achieves satisfactory high school level scores on the Indiana**  
 16 **high school equivalency test or any other properly validated test**  
 17 **of comparable difficulty designated by the cabinet.**

18 **(2) An Indiana competency based high school diploma or**  
 19 **equivalency diploma to an individual who:**

20 **(A) demonstrates high school level skills through validated**  
 21 **competency based assessments designated by the cabinet;**  
 22 **and**

23 **(B) obtains an industry recognized certificate.**

24 SECTION 4. IC 22-4.1-20-0.5 IS ADDED TO THE INDIANA  
 25 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 26 [EFFECTIVE JULY 1, 2023]: **Sec. 0.5. (a) As used in this chapter,**  
 27 **"adult education and literacy activities" means instructional**  
 28 **programs, learning activities, and services provided to an**  
 29 **individual who is:**

30 **(1) at least sixteen (16) years of age;**

31 **(2) not:**

32 **(A) enrolled; or**

33 **(B) required by state law to be enrolled;**

34 **in high school; and**

35 **(3) deficient in basic skills.**

36 **(b) Subsection (a)(3) includes an individual who:**

37 **(1) does not have a:**

38 **(A) high school diploma; or**

39 **(B) high school equivalency diploma;**

40 **(2) has not attained a level of education equivalent to a level**  
 41 **of education described in subdivision (1); or**

42 **(3) is an English language learner.**



1 (c) For purposes of subsection (a), "instructional programs,  
2 learning activities, and services" includes one (1) or more of the  
3 following:

- 4 (1) Adult education.  
5 (2) Literacy.  
6 (3) Workplace adult education and literacy activities.  
7 (4) Family literacy activities.  
8 (5) Digital and computer literacy.  
9 (6) English language acquisition activities.  
10 (7) Integrated English literacy and civics education.  
11 (8) Workforce preparation activities.  
12 (9) Integrated education and training.

13 SECTION 5. IC 22-4.1-20-1.5 IS REPEALED [EFFECTIVE JULY  
14 1, 2023]. Sec. 1-5: As used in this chapter, "work Indiana program"  
15 means the short term certification training program developed and  
16 administered by the department for individuals enrolled in adult  
17 education:

18 SECTION 6. IC 22-4.1-20-4, AS AMENDED BY P.L.143-2019,  
19 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
20 JULY 1, 2023]: Sec. 4. (a) Not less than twenty-five percent (25%) of  
21 the money appropriated by the general assembly for adult education  
22 and the work Indiana program and literacy activities shall be used as  
23 provided in subsections (b) and (c): for the services described in  
24 section 0.5(c)(8) through 0.5(c)(9) of this chapter.

25 (b) Money described in subsection (a) may be used to reimburse an  
26 eligible provider for adult education that is provided to individuals  
27 who:

- 28 (1) need the education to master a skill that leads to:  
29 (A) the completion of grade 8; or  
30 (B) an Indiana high school equivalency diploma under  
31 IC 22-4.1-18;  
32 (2) need the education to receive high school credit to obtain a  
33 high school diploma; or  
34 (3) have graduated from high school (or received a high school  
35 equivalency certificate, a general educational development (GED)  
36 diploma; or an Indiana high school equivalency diploma); but who  
37 demonstrate basic skill deficiencies in mathematics or  
38 English/language arts:

39 (c) The department shall use the money described in subsection (a)  
40 for adult education grants to employers: A grant to an employer under  
41 this subsection is equal to the amount established under subsection (d)  
42 plus, subject to the availability of funds, the amount determined under



1 subsection (e):

2 **(b) Not more than twenty-five thousand dollars (\$25,000) of the**  
 3 **money appropriated by the general assembly for adult education**  
 4 **and literacy activities shall be used for adult education grants to**  
 5 **employers as provided under subsection (c).**

6 ~~(d)~~ **(c)** An employer is eligible for an adult education grant for each  
 7 eligible employee who obtains a high school diploma or a high school  
 8 equivalency diploma. ~~through a program organized or funded by the~~  
 9 ~~employer.~~ The amount of the grant is ~~the lesser of one thousand dollars~~  
 10 ~~(\$1,000).~~ ~~or the out-of-pocket expenditure by the employer for the costs~~  
 11 ~~described in subsection (h).~~

12 **(e)** Subject to subsection (i), if, on June 15, the total amount of  
 13 funds allocated under subsection (a) exceeds the total amount of funds  
 14 used for reimbursements and grants under subsections (a) and (b), the  
 15 department shall use the remaining funds to reimburse each employer  
 16 that received a grant under subsection (d) for instructor salary costs that  
 17 the employer incurred and that exceeded the amount of funds the  
 18 employer received under subsection (d). If the amount of the remaining  
 19 funds is not sufficient to reimburse each employer for the employer's  
 20 instructor salary costs, each employer shall receive funds under this  
 21 subsection in an amount equal to the lesser of:

22 (1) the total instructor salary costs that the employer incurred and  
 23 that exceeded the amount of funds the employer received under  
 24 subsection (d); or

25 (2) the result of STEP FOUR of the following STEPS:

26 STEP ONE: Determine the total number of eligible employees

27 for which the employer received a grant under subsection (d).

28 STEP TWO: Determine the total number of eligible employees

29 for which all employers received a grant under subsection (d).

30 STEP THREE: Determine the result of:

31 (A) the STEP ONE amount, divided by

32 (B) the STEP TWO amount.

33 STEP FOUR: Determine the result of:

34 (A) the STEP THREE result, multiplied by

35 (B) the amount of the remaining funds.

36 ~~(f)~~ **(d)** To qualify as an eligible ~~employee,~~ **employee under**  
 37 **subsection (c),** an individual must meet all of the following criteria:

38 (1) The individual must be at least eighteen (18) years of age and  
 39 not enrolled in a school corporation's kindergarten through grade  
 40 12 educational program.

41 (2) The individual must be a resident of Indiana for at least thirty  
 42 (30) days before enrolling in a program of adult education.



1           (3) (2) The individual must:

2           (A) be employed by an eligible employer on a part-time or  
3           full-time basis in Indiana; and

4           (B) have been paid wages by the eligible employer for time  
5           spent receiving instruction in adult education and literacy  
6           activities.

7           (4) (3) When initially employed by the employer, the individual:

8           (A) did not have sufficient high school credits to earn a high  
9           school diploma; or

10          (B) had not passed the examination to earn a high school  
11          equivalency diploma or a general educational development  
12          (GED) diploma.

13          (g) For purposes of reimbursement under this section, the eligible  
14          provider may not count an individual who is also enrolled in a school  
15          corporation's kindergarten through grade 12 educational program. An  
16          individual described in subsection (b)(3) may be counted for  
17          reimbursement by the eligible provider only for classes taken in  
18          mathematics and English/language arts.

19          (h) Subject to subsection (i), the department shall provide for  
20          reimbursement to an eligible provider or employer under this section  
21          for instructor salaries and administrative and support costs. The  
22          department may not allocate more than fifteen percent (15%) of the  
23          total appropriation under subsection (a) to the department for  
24          administrative and support costs incurred by eligible providers or  
25          employers under this subsection.

26          (i) The costs incurred by an employer for an instructor's salary are  
27          not eligible to be included as out-of-pocket expenditures by the  
28          employer under subsection (d) or as instructor salary costs incurred by  
29          the employer under subsection (e) unless the following conditions  
30          apply:

31           (1) The instruction by the instructor was provided in a program  
32           that allows the eligible employees of the employer that participate  
33           in the program to obtain a high school diploma or a high school  
34           equivalency diploma.

35           (2) The costs for the instructor's salary could not be provided by  
36           an eligible provider without expenditures by the employer.

37           (3) An eligible provider or the instructor signs an affidavit  
38           attesting that the costs for the instructor's salary meet the  
39           requirements of subdivisions (1) and (2).

40          SECTION 7. IC 22-4.1-21-2, AS AMENDED BY P.L.178-2016,  
41          SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
42          JULY 1, 2023]: Sec. 2. As used in this chapter, "accreditation"



1 **"authorization"** means ~~certification of a status of approval or~~  
 2 ~~authorization a formal determination~~ by the department ~~to conduct~~  
 3 ~~business as that a:~~

4 (1) **noncredit bearing; and**

5 (2) **nondegree granting;**

6 postsecondary proprietary educational institution **may offer courses or**  
 7 **training in Indiana.**

8 SECTION 8. IC 22-4.1-21-5, AS AMENDED BY P.L.178-2016,  
 9 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 10 JULY 1, 2023]: Sec. 5. As used in this chapter, "application" means a  
 11 written request for ~~accreditation~~ **authorization** or an agent's permit on  
 12 forms supplied by the department.

13 SECTION 9. IC 22-4.1-21-12, AS ADDED BY P.L.107-2012,  
 14 SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 15 JULY 1, 2023]: Sec. 12. A person may not do business as a  
 16 postsecondary proprietary educational institution in Indiana without  
 17 having obtained ~~accreditation~~ **authorization** under this chapter.

18 SECTION 10. IC 22-4.1-21-13, AS AMENDED BY P.L.178-2016,  
 19 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 20 JULY 1, 2023]: Sec. 13. Applications for ~~accreditation~~ **authorization**  
 21 under this chapter must be filed with the department and accompanied  
 22 by an application fee of at least one hundred dollars (\$100) for  
 23 processing the application and evaluating the postsecondary proprietary  
 24 educational institution.

25 SECTION 11. IC 22-4.1-21-14, AS ADDED BY P.L.107-2012,  
 26 SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 27 JULY 1, 2023]: Sec. 14. An application for ~~accreditation~~ **authorization**  
 28 under this chapter must include at least the following  
 29 information:

30 (1) The name and address of the postsecondary proprietary  
 31 educational institution and the institution's officers.

32 (2) The places where the courses are to be provided.

33 (3) The types of courses to be offered, the form of instruction to  
 34 be followed with the class, shop, or laboratory, and the hours  
 35 required for each curriculum.

36 (4) The form of certificate, diploma, or degree to be awarded.

37 (5) A statement of the postsecondary proprietary educational  
 38 institution's finances.

39 (6) A description of the postsecondary proprietary educational  
 40 institution's physical facilities, including classrooms, laboratories,  
 41 library, machinery, and equipment.

42 (7) An explicit statement of policy with reference to:





- 1 (A) solicitation of students;  
 2 (B) payment and amount of student fees; and  
 3 (C) conditions under which students are entitled to a refund in  
 4 part or in full of fees paid, including a statement concerning  
 5 the existence of the fund.
- 6 (8) Provisions for liability insurance of students.  
 7 (9) Maximum student-teacher ratio to be maintained.  
 8 (10) Minimum requirements for instructional staff.
- 9 SECTION 12. IC 22-4.1-21-15, AS AMENDED BY P.L.178-2016,  
 10 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 11 JULY 1, 2023]: Sec. 15. (a) This section is subject to section 16 of this  
 12 chapter.
- 13 (b) An application for ~~accreditation~~ **authorization** under this  
 14 chapter must include a surety bond in a penal sum determined under  
 15 section 16 of this chapter. The bond must be executed by the applicant  
 16 as principal and by a surety company qualified and authorized to do  
 17 business in Indiana as a surety or cash bond company.
- 18 (c) The surety bond must be conditioned to provide indemnification  
 19 to any student or enrollee who suffers a loss or damage as a result of:  
 20 (1) the failure or neglect of the postsecondary proprietary  
 21 educational institution to faithfully perform all agreements,  
 22 express or otherwise, with the student, enrollee, one (1) or both of  
 23 the parents of the student or enrollee, or a guardian of the student  
 24 or enrollee as represented by the application for the institution's  
 25 ~~accreditation~~ **authorization** and the materials submitted in  
 26 support of the application;  
 27 (2) the failure or neglect of the postsecondary proprietary  
 28 educational institution to maintain and operate a course or courses  
 29 of instruction or study in compliance with the standards of this  
 30 chapter; or  
 31 (3) an agent's misrepresentation in procuring the student's  
 32 enrollment.
- 33 (d) A surety on a bond may be released after the surety has made a  
 34 written notice of the release directed to the department at least thirty  
 35 (30) days before the release. However, a surety may not be released  
 36 from the bond unless all sureties on the bond are released.
- 37 (e) A surety bond covers the period of the ~~accreditation:~~  
 38 **authorization.**
- 39 (f) ~~Accreditation~~ **Authorization** under this chapter shall be  
 40 suspended if a postsecondary proprietary educational institution is no  
 41 longer covered by a surety bond or if the postsecondary proprietary  
 42 educational institution fails to comply with section 16 of this chapter.



1 The department shall notify the postsecondary proprietary educational  
 2 institution in writing at least ten (10) days before the release of the  
 3 surety or sureties that the ~~accreditation~~ **authorization** is suspended  
 4 until another surety bond is filed in the manner and amount required  
 5 under this chapter.

6 SECTION 13. IC 22-4.1-21-20, AS AMENDED BY P.L.178-2016,  
 7 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 8 JULY 1, 2023]: Sec. 20. (a) Upon receipt of an application for  
 9 ~~accreditation~~ **authorization** under this chapter, the department shall  
 10 make an investigation to determine the accuracy of the statements in  
 11 the application to determine if the postsecondary proprietary  
 12 educational institution meets the minimum standards for ~~accreditation~~  
 13 **authorization**.

14 (b) During the investigation under subsection (a), the department  
 15 may grant a temporary status of ~~accreditation~~ **authorization**. The  
 16 temporary status of ~~accreditation~~ **authorization** is sufficient to meet  
 17 the requirements of this chapter until a determination on ~~accreditation~~  
 18 **authorization** is made.

19 SECTION 14. IC 22-4.1-21-23, AS AMENDED BY P.L.178-2016,  
 20 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 21 JULY 1, 2023]: Sec. 23. Full ~~accreditation~~ **authorization** under this  
 22 chapter may not be issued unless and until the department finds that the  
 23 postsecondary proprietary educational institution meets minimum  
 24 standards that are appropriate to that type or class of postsecondary  
 25 proprietary educational institution, including the following minimum  
 26 standards:

27 (1) The postsecondary proprietary educational institution has a  
 28 sound financial structure with sufficient resources for continued  
 29 support.

30 (2) The postsecondary proprietary educational institution has  
 31 satisfactory training or educational facilities with sufficient tools,  
 32 supplies, or equipment and the necessary number of work stations  
 33 or classrooms to adequately train, instruct, or educate the number  
 34 of students enrolled or proposed to be enrolled.

35 (3) The postsecondary proprietary educational institution has an  
 36 adequate number of qualified instructors or teachers, sufficiently  
 37 trained by experience or education, to give the instruction,  
 38 education, or training contemplated.

39 (4) The advertising and representations made on behalf of the  
 40 postsecondary proprietary educational institution to prospective  
 41 students are truthful and free from misrepresentation or fraud.

42 (5) The charge made for the training, instruction, or education is



1 clearly stated and based upon the services rendered.

2 (6) The premises and conditions under which the students work  
3 and study are sanitary, healthful, and safe according to modern  
4 standards.

5 (7) The postsecondary proprietary educational institution has and  
6 follows a refund policy approved by the department.

7 (8) The owner or chief administrator of the postsecondary  
8 proprietary educational institution has not been convicted of a  
9 felony.

10 (9) The owner or chief administrator of the postsecondary  
11 proprietary educational institution has not been the owner or chief  
12 administrator of a postsecondary proprietary educational  
13 institution that has had its ~~accreditation~~ **authorization** revoked or  
14 has been closed involuntarily in the five (5) year period preceding  
15 the application for ~~accreditation~~ **authorization**. However, if the  
16 owner or chief administrator of the postsecondary proprietary  
17 educational institution has been the owner or chief administrator  
18 of a postsecondary proprietary educational institution that has had  
19 its ~~accreditation~~ **authorization** revoked or has been closed  
20 involuntarily more than five (5) years before the application for  
21 ~~accreditation~~ **authorization**, the department may issue full  
22 ~~accreditation~~ **authorization** at the department's discretion.

23 SECTION 15. IC 22-4.1-21-24, AS AMENDED BY P.L.178-2016,  
24 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
25 JULY 1, 2023]: Sec. 24. (a) After an investigation and a finding that  
26 the information in the application is true and the postsecondary  
27 proprietary educational institution meets the minimum standards, the  
28 department shall issue an ~~accreditation~~ **authorization** to the  
29 postsecondary proprietary educational institution upon payment of an  
30 additional fee of at least twenty-five dollars (\$25).

31 (b) The department may waive inspection of a postsecondary  
32 proprietary educational institution that has been ~~accredited~~ **authorized**  
33 by an ~~accrediting~~ **authorizing** unit whose standards are approved by  
34 the department as meeting or exceeding the requirements of this  
35 chapter.

36 (c) A valid license, approval to operate, or other form of  
37 ~~accreditation~~ **authorization** issued to a postsecondary proprietary  
38 educational institution by another state may be accepted, instead of  
39 inspection, if:

40 (1) the requirements of that state meet or exceed the requirements  
41 of this chapter; and

42 (2) the other state will, in turn, extend reciprocity to



1 postsecondary proprietary educational institutions ~~accredited~~  
2 **authorized** by the department.

3 (d) An ~~accreditation~~ **authorization** issued under this section expires  
4 one (1) year following the ~~accreditation's~~ **authorization's** issuance.

5 (e) An ~~accredited~~ **authorized** postsecondary proprietary educational  
6 institution may renew the institution's ~~accreditation~~ **authorization**  
7 annually upon:

8 (1) the payment of a fee of at least twenty-five dollars (\$25); and

9 (2) continued compliance with this chapter.

10 SECTION 16. IC 22-4.1-21-25, AS AMENDED BY P.L.178-2016,  
11 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
12 JULY 1, 2023]: Sec. 25. ~~Accreditation~~ **Authorization** under this  
13 chapter may be revoked by the department:

14 (1) for cause upon notice and an opportunity for a department  
15 hearing; and

16 (2) for the ~~accredited~~ **authorized** postsecondary proprietary  
17 educational institution failing to make the appropriate quarterly  
18 contributions to the fund not later than forty-five (45) days after  
19 the end of a quarter.

20 SECTION 17. IC 22-4.1-21-26, AS AMENDED BY P.L.178-2016,  
21 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
22 JULY 1, 2023]: Sec. 26. (a) A postsecondary proprietary educational  
23 institution, after notification that the institution's ~~accreditation~~  
24 **authorization** has been refused, revoked, or suspended, may apply for  
25 a hearing before an administrative law judge of the department  
26 concerning the institution's qualifications. The application for a hearing  
27 must be filed in writing with the department not more than thirty (30)  
28 days after receipt of notice of the denial, revocation, or suspension.

29 (b) The department shall give a hearing promptly and with not less  
30 than ten (10) days notice of the date, time, and place. The  
31 postsecondary proprietary educational institution is entitled to be  
32 represented by counsel and to offer oral and documentary evidence  
33 relevant to the issue. The hearing shall be conducted in the manner  
34 provided under IC 4-21.5-3.

35 (c) Not more than fifteen (15) days after a hearing, the  
36 administrative law judge shall make written findings of fact, a written  
37 decision, and a written order based solely on the evidence submitted at  
38 the hearing, either granting or denying ~~accreditation~~ **authorization** to  
39 the postsecondary proprietary educational institution.

40 (d) Not more than fifteen (15) days after the issuance of a written  
41 order by the administrative law judge under subsection (c), any party  
42 adversely affected by the order may file an objection to the order in



1 writing with the commissioner and request that the commissioner  
 2 review the order. The party must identify the basis of the objection with  
 3 reasonable particularity. Not later than thirty (30) days after the  
 4 objection is filed with the commissioner, the commissioner shall issue  
 5 a final order affirming, modifying, or dissolving the administrative law  
 6 judge's order. The commissioner may remand the matter, with or  
 7 without instructions, to the administrative law judge for further  
 8 proceedings.

9 (e) In the absence of an objection under subsection (d), the  
 10 commissioner shall affirm the administrative law judge's order.

11 (f) The commissioner is the ultimate authority (as defined by  
 12 IC 4-21.5-1-15) for the department.

13 SECTION 18. IC 22-4.1-21-27, AS ADDED BY P.L.107-2012,  
 14 SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 15 JULY 1, 2023]: Sec. 27. A postsecondary proprietary educational  
 16 institution's ~~accreditation~~ **authorization** shall be suspended at any time  
 17 if the ~~accredited~~ **authorized** postsecondary proprietary educational  
 18 institution denies enrollment to a student or makes a distinction or  
 19 classification of students on the basis of race, color, or creed.

20 SECTION 19. IC 22-4.1-21-32, AS ADDED BY P.L.107-2012,  
 21 SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 22 JULY 1, 2023]: Sec. 32. An obligation, negotiable or nonnegotiable,  
 23 providing for payment for a course or courses of instruction is void if  
 24 the postsecondary proprietary educational institution is not ~~accredited~~  
 25 **authorized** to operate in Indiana.

26 SECTION 20. IC 22-4.1-21-33, AS ADDED BY P.L.107-2012,  
 27 SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 28 JULY 1, 2023]: Sec. 33. The issuance of an agent's permit or any  
 29 ~~accreditation~~ **authorization** may not be considered to constitute  
 30 approval of a course, a person, or an institution. A representation to the  
 31 contrary is a misrepresentation.

32 SECTION 21. IC 22-4.1-21-37, AS AMENDED BY P.L.178-2016,  
 33 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 34 JULY 1, 2023]: Sec. 37. An action of the department concerning the  
 35 issuance, denial, or revocation of a permit or ~~accreditation~~  
 36 **authorization** under this chapter is subject to review under IC 4-21.5.

37 SECTION 22. IC 22-4.1-21-39, AS AMENDED BY P.L.178-2016,  
 38 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 39 JULY 1, 2023]: Sec. 39. (a) The proprietary educational institution  
 40 ~~accreditation~~ **authorization** fund is established.

41 (b) The proprietary educational institution ~~accreditation~~  
 42 **authorization** fund shall be administered by the department.



1 (c) Money in the proprietary educational institution ~~accreditation~~  
 2 **authorization** fund at the end of a state fiscal year does not revert to  
 3 the general fund.

4 (d) All fees collected by the department under this chapter shall be  
 5 deposited in the proprietary educational institution ~~accreditation~~  
 6 **authorization** fund.

7 (e) Money in the proprietary educational institution ~~accreditation~~  
 8 **authorization** fund shall be used by the department to administer this  
 9 chapter.

10 SECTION 23. IC 25-21.8-4-2, AS AMENDED BY P.L.10-2019,  
 11 SECTION 111, IS AMENDED TO READ AS FOLLOWS  
 12 [EFFECTIVE JULY 1, 2023]: Sec. 2. An individual who applies for  
 13 licensure as a massage therapist must do the following:

14 (1) Complete and submit the licensure application in the form and  
 15 manner provided by the board.

16 (2) Furnish evidence satisfactory to the board showing that the  
 17 individual:

18 (A) is at least eighteen (18) years of age;

19 (B) has a high school diploma or the equivalent of a high  
 20 school diploma;

21 (C) has successfully completed a massage therapy school or  
 22 program that:

23 (i) requires at least six hundred twenty-five (625) hours of  
 24 supervised classroom and hands on instruction on massage  
 25 therapy;

26 (ii) is in good standing with a state, regional, or national  
 27 agency of government charged with regulating massage  
 28 therapy schools or programs; and

29 (iii) is ~~accredited~~ **authorized** by the department of  
 30 workforce development under IC 22-4.1-21 or accredited by  
 31 another state where the standards for massage therapy  
 32 education are substantially the same as the standards in  
 33 Indiana, or is a program at an institution of higher learning  
 34 that is approved by the board; and

35 (D) has taken and passed a licensure examination approved by  
 36 the board.

37 (3) Provide a history of any criminal convictions the individual  
 38 has, including any convictions related to the practice of the  
 39 profession. The board shall deny an application for licensure if the  
 40 applicant:

41 (A) has been convicted of:

42 (i) prostitution;



- 1 (ii) rape; or
- 2 (iii) sexual misconduct; or
- 3 (B) is a registered sex offender.
- 4 (4) Provide proof that the applicant currently has professional
- 5 liability insurance with minimum coverage of two million dollars
- 6 (\$2,000,000) per claim and six million dollars (\$6,000,000) in
- 7 aggregate.
- 8 (5) Submit to a national criminal history background check as
- 9 prescribed by IC 25-0.5-1-9.
- 10 (6) Verify the information submitted on the application form.
- 11 (7) Pay fees established by the board.
- 12 SECTION 24. IC 35-52-22-12, AS ADDED BY P.L.169-2014,
- 13 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 14 JULY 1, 2023]: Sec. 12. IC 22-4.1-21-38 defines a crime concerning
- 15 postsecondary proprietary educational institution ~~accreditation~~.
- 16 **authorization.**



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1609, 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 2, between lines 3 and 4, begin a new paragraph and insert:

"SECTION 2. IC 22-4.1-4-14.2 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2023]: **Sec. 14.2. (a) In a manner consistent with federal law, before January 1, 2025, the department shall replace its IN Demand Ranking Methodology with a new occupational value methodology.**

**(b) This section expires July 1, 2026."**

Page 2, line 12, delete "who demonstrates high" and insert "**who:**

**(A) demonstrates high school level skills through validated competency based assessments designated by the cabinet; and**

**(B) obtains an industry recognized certificate."**

Page 2, delete lines 13 through 14.

Page 3, delete lines 9 through 42, begin a new paragraph and insert:

"SECTION 5. IC 22-4.1-20-4, AS AMENDED BY P.L.143-2019, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 4. (a) Not less than twenty-five percent (25%) of the money appropriated by the general assembly for adult education and the work Indiana program and literacy activities shall be used as provided in subsections subsection (b). and (c):**

**(b) Money described in subsection (a) may be used to reimburse an eligible provider for adult education and literacy activities that is are provided to individuals who: an individual. The department may not allocate more than fifteen percent (15%) of the total appropriation for adult education and literacy activities under subsection (a) to the department for administrative and support costs incurred by eligible providers under this subsection.**

**(c) Not more than twenty-five thousand dollars (\$25,000) of the money appropriated by the general assembly for adult education and literacy activities shall be used for adult education grants to employers as provided under subsection (d).**

**(1) need the education to master a skill that leads to:**

**(A) the completion of grade 8; or**

**(B) an Indiana high school equivalency diploma under IC 22-4.1-18;**

**(2) need the education to receive high school credit to obtain a**





high school diploma; or

(3) have graduated from high school (or received a high school equivalency certificate, a general educational development (GED) diploma, or an Indiana high school equivalency diploma); but who demonstrate basic skill deficiencies in mathematics or English/language arts:

(c) The department shall use the money described in subsection (a) for adult education grants to employers: A grant to an employer under this subsection is equal to the amount established under subsection (d) plus; subject to the availability of funds; the amount determined under subsection (e):

(d) An employer is eligible for an adult education grant for each eligible employee who obtains a high school diploma or a high school equivalency diploma through a program organized or funded by the employer. The amount of the grant is the lesser of one thousand dollars (\$1,000), or the out-of-pocket expenditure by the employer for the costs described in subsection (h):

(e) Subject to subsection (i), if, on June 15, the total amount of funds allocated under subsection (a) exceeds the total amount of funds used for reimbursements and grants under subsections (a) and (b); the department shall use the remaining funds to reimburse each employer that received a grant under subsection (d) for instructor salary costs that the employer incurred and that exceeded the amount of funds the employer received under subsection (d): If the amount of the remaining funds is not sufficient to reimburse each employer for the employer's instructor salary costs; each employer shall receive funds under this subsection in an amount equal to the lesser of:

(1) the total instructor salary costs that the employer incurred and that exceeded the amount of funds the employer received under subsection (d); or

(2) the result of STEP FOUR of the following STEPS:

STEP ONE: Determine the total number of eligible employees for which the employer received a grant under subsection (d):

STEP TWO: Determine the total number of eligible employees for which all employers received a grant under subsection (d):

STEP THREE: Determine the result of:

(A) the STEP ONE amount; divided by

(B) the STEP TWO amount:

STEP FOUR: Determine the result of:

(A) the STEP THREE result; multiplied by

(B) the amount of the remaining funds:

(f) (e) To qualify as an eligible employee; **employee under**



**subsection (d)**, an individual must meet all of the following criteria:

- (1) The individual must be at least eighteen (18) years of age and not enrolled in a school corporation's kindergarten through grade 12 educational program.
- (2) The individual must be a resident of Indiana for at least thirty (30) days before enrolling in a program of adult education.
- (3) (2) The individual must be employed by an eligible employer on a part-time or full-time basis in Indiana.
- (4) (3) When initially employed by the employer, the individual:
  - (A) did not have sufficient high school credits to earn a high school diploma; or
  - (B) had not passed the examination to earn a high school equivalency diploma or a general educational development (GED) diploma.

(g) For purposes of reimbursement under this section, the eligible provider may not count an individual who is also enrolled in a school corporation's kindergarten through grade 12 educational program. An individual described in subsection (b)(3) may be counted for reimbursement by the eligible provider only for classes taken in mathematics and English/language arts.

(h) Subject to subsection (i), the department shall provide for reimbursement to an eligible provider or employer under this section for instructor salaries and administrative and support costs. The department may not allocate more than fifteen percent (15%) of the total appropriation under subsection (a) to the department for administrative and support costs incurred by eligible providers or employers under this subsection.

(i) The costs incurred by an employer for an instructor's salary are not eligible to be included as out-of-pocket expenditures by the employer under subsection (d) or as instructor salary costs incurred by the employer under subsection (e) unless the following conditions apply:

- (1) The instruction by the instructor was provided in a program that allows the eligible employees of the employer that participate in the program to obtain a high school diploma or a high school equivalency diploma.
- (2) The costs for the instructor's salary could not be provided by an eligible provider without expenditures by the employer.
- (3) An eligible provider or the instructor signs an affidavit attesting that the costs for the instructor's salary meet the requirements of subdivisions (1) and (2):".

Delete page 4.



Page 5, delete lines 1 through 21.  
 Renumber all SECTIONS consecutively.  
 and when so amended that said bill do pass.

(Reference is to HB 1609 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. 1609, 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 3, delete lines 18 through 42, begin a new paragraph and insert:

"SECTION 6. IC 22-4.1-20-4, AS AMENDED BY P.L.143-2019, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 4. (a) Not less than twenty-five percent (25%) of the money appropriated by the general assembly for adult education **and the work Indiana program and literacy activities** shall be used as provided in subsections (b) and (c): **for the services described in section 0.5(c)(8) through 0.5(c)(9) of this chapter.**

(b) Money described in subsection (a) may be used to reimburse an eligible provider for adult education that is provided to individuals who:

- (1) need the education to master a skill that leads to:
  - (A) the completion of grade 8; or
  - (B) an Indiana high school equivalency diploma under IC 22-4.1-18;
- (2) need the education to receive high school credit to obtain a high school diploma; or
- (3) have graduated from high school (or received a high school equivalency certificate, a general educational development (GED) diploma, or an Indiana high school equivalency diploma); but who demonstrate basic skill deficiencies in mathematics or English/language arts.

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(c) The department shall use the money described in subsection (a) for adult education grants to employers. A grant to an employer under this subsection is equal to the amount established under subsection (d) plus, subject to the availability of funds, the amount determined under subsection (e).

**(b) Not more than twenty-five thousand dollars (\$25,000) of the money appropriated by the general assembly for adult education and literacy activities shall be used for adult education grants to employers as provided under subsection (c).**

(d) (c) An employer is eligible for an adult education grant for each eligible employee who obtains a high school diploma or a high school equivalency diploma. ~~through a program organized or funded by the employer.~~ The amount of the grant is the lesser of one thousand dollars (\$1,000). ~~or the out-of-pocket expenditure by the employer for the costs described in subsection (h).~~

(e) Subject to subsection (i), if, on June 15, the total amount of funds allocated under subsection (a) exceeds the total amount of funds used for reimbursements and grants under subsections (a) and (b), the department shall use the remaining funds to reimburse each employer that received a grant under subsection (d) for instructor salary costs that the employer incurred and that exceeded the amount of funds the employer received under subsection (d). If the amount of the remaining funds is not sufficient to reimburse each employer for the employer's instructor salary costs, each employer shall receive funds under this subsection in an amount equal to the lesser of:

(1) the total instructor salary costs that the employer incurred and that exceeded the amount of funds the employer received under subsection (d); or

(2) the result of STEP FOUR of the following STEPS:

STEP ONE: Determine the total number of eligible employees for which the employer received a grant under subsection (d).

STEP TWO: Determine the total number of eligible employees for which all employers received a grant under subsection (d).

STEP THREE: Determine the result of:

(A) the STEP ONE amount, divided by

(B) the STEP TWO amount.

STEP FOUR: Determine the result of:

(A) the STEP THREE result, multiplied by

(B) the amount of the remaining funds.

(f) (d) To qualify as an eligible employee, **employee under subsection (c)**, an individual must meet all of the following criteria:

(1) The individual must be at least eighteen (18) years of age and



not enrolled in a school corporation's kindergarten through grade 12 educational program.

~~(2)~~ The individual must be a resident of Indiana for at least thirty ~~(30)~~ days before enrolling in a program of adult education:

~~(3)~~ **(2)** The individual must:

**(A)** be employed by an eligible employer on a part-time or full-time basis in Indiana; and

**(B)** have been paid wages by the eligible employer for time spent receiving instruction in adult education and literacy activities.

~~(4)~~ **(3)** When initially employed by the employer, the individual:

**(A)** did not have sufficient high school credits to earn a high school diploma; or

**(B)** had not passed the examination to earn a high school equivalency diploma or a general educational development (GED) diploma.

**(g)** For purposes of reimbursement under this section, the eligible provider may not count an individual who is also enrolled in a school corporation's kindergarten through grade 12 educational program. An individual described in subsection **(b)(3)** may be counted for reimbursement by the eligible provider only for classes taken in mathematics and English/language arts.

**(h)** Subject to subsection **(i)**, the department shall provide for reimbursement to an eligible provider or employer under this section for instructor salaries and administrative and support costs. The department may not allocate more than fifteen percent (15%) of the total appropriation under subsection **(a)** to the department for administrative and support costs incurred by eligible providers or employers under this subsection:

**(i)** The costs incurred by an employer for an instructor's salary are not eligible to be included as out-of-pocket expenditures by the employer under subsection **(d)** or as instructor salary costs incurred by the employer under subsection **(e)** unless the following conditions apply:

**(1)** The instruction by the instructor was provided in a program that allows the eligible employees of the employer that participate in the program to obtain a high school diploma or a high school equivalency diploma;

**(2)** The costs for the instructor's salary could not be provided by an eligible provider without expenditures by the employer;

**(3)** An eligible provider or the instructor signs an affidavit attesting that the costs for the instructor's salary meet the



requirements of subdivisions (1) and (2):".

Delete page 4.

Page 5, delete lines 1 through 38.

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 1609 as printed February 20, 2023.)

RAATZ, Chairperson

Committee Vote: Yeas 13, Nays 0.

