



March 1, 2021

**ENGROSSED
SENATE BILL No. 2**

DIGEST OF SB 2 (Updated March 1, 2021 12:02 pm - DI 142)

Citations Affected: IC 20-43.

Synopsis: Funding for virtual instruction in public schools. Establishes a definition of "virtual instruction" for purposes of determining a school corporation's basic tuition support using the: (1) 2020 fall count; and (2) 2021 spring count; of average daily membership.

Effective: July 1, 2020 (retroactive).

**Raatz, Buchanan, Kruse, Rogers,
Gaskill, Qaddoura, Ford J.D.,
Baldwin, Bassler, Garten, Ford Jon,
Charbonneau, Melton**

(HOUSE SPONSOR — SLAGER)

January 4, 2021, read first time and referred to Committee on Education and Career Development.

January 14, 2021, amended, reported favorably — Do Pass; reassigned to Committee on Appropriations.

January 28, 2021, amended, reported favorably — Do Pass.

February 1, 2021, read second time, ordered engrossed. Engrossed.

February 2, 2021, read third time, passed. Yeas 41, nays 6.

HOUSE ACTION

February 2, 2021, read first time and referred to Committee on Ways and Means.

March 1, 2021, amended, reported — Do Pass.

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March 1, 2021

First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 2

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

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

1 SECTION 1. IC 20-43-1-33 IS ADDED TO THE INDIANA CODE
2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2020 (RETROACTIVE)]: **Sec. 33. (a) This subsection applies only**
4 **for the purposes of determining a school corporation's basic tuition**
5 **support under IC 20-43-6-3 using the 2020 fall count of ADM as**
6 **described in IC 20-43-4-9(a). "Virtual instruction" means**
7 **instruction that is provided in an interactive learning environment**
8 **created through technology in which the student is separated from**
9 **a teacher by time or space, or both. However, the term does not**
10 **include instruction that is provided to a student that meets both of**
11 **the following requirements:**
12 (1) **The student was not enrolled in a:**
13 (A) **virtual education program (as defined in IC 20-19-9-1);**
14 (B) **dedicated virtual education school; or**
15 (C) **virtual charter school (as defined in IC 20-24-1-10);**
16 **on the date fixed in February 2020 by the state board for a**
17 **count of students under IC 20-43-4-3.**

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- 1 **(2) The student is enrolled in a school corporation in which**
 2 **fewer than one hundred percent (100%) of the students that**
 3 **were enrolled in that school corporation on the date fixed in**
 4 **February 2020 by the state board for a count of students**
 5 **under IC 20-43-4-3 were receiving instruction in an**
 6 **interactive learning environment created through technology**
 7 **in which the student for whom the instruction is being**
 8 **provided is separated from a teacher by time or space, or**
 9 **both.**
- 10 **(b) This subsection applies only for the purposes of determining**
 11 **a school corporation's basic tuition support under IC 20-43-6-3**
 12 **using the 2021 spring count of ADM as described in**
 13 **IC 20-43-4-9(a). "Virtual instruction" means instruction that is**
 14 **provided in an interactive learning environment created through**
 15 **technology in which the student is separated from a teacher by**
 16 **time or space, or both. However, the term does not include**
 17 **instruction that is provided to a student who meets the following**
 18 **requirements:**
- 19 **(1) The student was not enrolled in a:**
 20 **(A) virtual education program (as defined in IC 20-19-9-1);**
 21 **(B) dedicated virtual education school; or**
 22 **(C) virtual charter school;**
 23 **on the date fixed in February 2020 by the state board for a**
 24 **count of students under IC 20-43-4-3.**
- 25 **(2) The student was not enrolled in a:**
 26 **(A) dedicated virtual education school; or**
 27 **(B) virtual charter school;**
 28 **on the date fixed in February 2021 by the state board for a**
 29 **count of students under IC 20-43-4-3.**
- 30 **(c) This section expires July 1, 2021.**
 31 **SECTION 2. An emergency is declared for this act.**



COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill No. 2, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 11, delete "that" and insert "**who**".

Page 1, line 15, delete "school (as defined in IC 20-24-1-10);" and insert "**school;**".

Page 2, line 3, delete "school (as defined in IC 20-24-1-10);" and insert "**school;**".

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

(Reference is to SB 2 as introduced.)

RAATZ, Chairperson

Committee Vote: Yeas 12, Nays 0.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill No. 2, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

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

"SECTION 1. IC 20-26-5-40.6 IS ADDED AS A **NEW SECTION TO READ AS FOLLOW** [EFFECTIVE UPON PASSAGE]: **Sec. 40.6.**

(a) This section does not apply to a virtual charter school (as defined in IC 20-24-1-10).

(b) As used in this section, "virtual instruction" means instruction that is provided in an interactive learning environment created through technology in which the student is separated from a teacher by time or space, or both.

(c) Not later than August 1, 2021, and not later than August 1, 2022, each governing body of a school corporation and the equivalent for each charter school shall submit to the department a report that includes the following information for each semester

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of the immediately preceding school year:

- (1) The following regarding virtual instruction:
 - (A) Whether the school corporation or charter school provided virtual instruction to students of the school corporation or charter school.
 - (B) If a school corporation or charter school provided virtual instruction under clause (A), the following information:
 - (i) The grade levels for which virtual instruction was provided.
 - (ii) The total number and percentage of students who received full-time virtual instruction and the number and percentage of students who received hybrid instruction in which instructional time included virtual instruction part of the time and in person instruction part of the time.
 - (iii) The numbers and percentages described in item (ii) disaggregated by grade level.
 - (iv) The number of days that the school corporation or charter school provided only full-time virtual instruction to students, disaggregated by grade level.
 - (v) The number of days that the school corporation or charter school provided only hybrid instruction to students, disaggregated by grade level.
 - (vi) Whether virtual instruction was provided through synchronous learning or asynchronous learning.
 - (vii) The status of student home Internet access.
 - (viii) Student access to electronic devices, including device to student ratio.
- (2) If a school corporation or charter school provided virtual instruction as described in subdivision (1)(A), the following information:
 - (A) The total amount by which the school corporation or charter school reduced or increased expenditures in each of the following categories as a result of providing virtual instruction:
 - (i) Utilities.
 - (ii) Transportation.
 - (iii) Food service.
 - (iv) Salary and fringe benefits for personnel, including hiring or dismissal of school employees.
 - (v) Termination of any contracts.



- (vi) Technology support.
- (vii) Curriculum and other instructional materials.
- (viii) Professional development, training, and teacher support.
- (ix) Student support services.

(B) The total amount by which the school corporation or charter school reduced or increased expenditures each semester.

(3) Whether the governing body of the school corporation or the equivalent for a charter school elected to provide virtual instruction to students or was required by another state or local agency or entity to provide virtual instruction to students.

(4) Any data requested by the department to conduct the learning loss study described in subsection (d).

(5) Any other information required by the department.

(d) Subject to subsection (f), the department shall, in collaboration with the state board, conduct a learning loss study regarding students in kindergarten through grade 10 for the 2020-2021 school year and the 2021-2022 school year. The study shall include the following:

(1) Which specific domains have significant learning loss for students in kindergarten through grade 10.

(2) What differences exist in domain:

(A) performance;

(B) growth; or

(C) both, performance and growth;

for specific subgroups, including students with disabilities and English language learners.

(3) What learning gaps are present in foundational skills, specifically literacy and numeracy for early grade levels.

(4) What is the overall student learning loss or gaps in education in Indiana due to the disruption in student education caused by the coronavirus disease (COVID-19).

(5) Any conclusions or recommendations to address student learning loss or gaps in education, including recommendation regarding remediation.

(e) The department shall do the following:

(1) Prepare a report regarding the 2020-2021 school year and a report regarding the 2021-2022 school year that includes:

(A) the information submitted to the department under subsection (c); and



(B) information regarding the study described in subsection (d), including any conclusions and recommendations as described in subsection (d)(5).

(2) Not later than December 1, 2021, submit the report regarding the 2020-2021 school year and not later than December 1, 2022, submit the report regarding the 2021-2022 school year to the:

(A) governor;

(B) state board; and

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

(f) The department:

(1) shall conduct research for the study described in subsection (d) after a review of the research methodology by the Indiana technical advisory committee;

(2) may include the use of summative and formative data sets in conducting the study under subsection (d); and

(3) may use a third party vendor in conducting the study under subsection (d).

(g) This section expires January 1, 2023."

Page 2, between lines 6 and 7, begin a new paragraph and insert:

"SECTION 3. [EFFECTIVE UPON PASSAGE] (a) The legislative council is urged to assign to an appropriate study committee for the 2022 interim and the 2023 interim the task of studying the information in the reports submitted by the department under IC 20-26-5-40.6(e), as added by this act.

(b) This SECTION expires January 1, 2023."

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 2 as printed January 15, 2021.)

MISHLER, Chairperson

Committee Vote: Yeas 9, Nays 2.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Senate Bill 2, has had the same under consideration and begs leave to report the same back to the House with the recommendation

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that said bill be amended as follows:

Replace the effective date in SECTION 2 with "[EFFECTIVE JULY 1, 2020 (RETROACTIVE)]".

Page 1, delete lines 1 through 17.

Delete pages 2 through 3.

Page 4, delete lines 1 through 15.

Page 4, line 18, delete "section" and insert "**subsection**".

Page 4, line 20, delete "2021 spring" and insert "**2020 fall**".

Page 4, line 21, after "20-43-4-9(a)." insert "**Virtual instruction means instruction that is provided in an interactive learning environment created through technology in which the student is separated from a teacher by time or space, or both. However, the term does not include instruction that is provided to a student that meets both of the following requirements:**

(1) The student was not enrolled in a:

(A) virtual education program (as defined in IC 20-19-9-1);

(B) dedicated virtual education school; or

(C) virtual charter school (as defined in IC 20-24-1-10);

on the date fixed in February 2020 by the state board for a count of students under IC 20-43-4-3.

(2) The student is enrolled in a school corporation in which fewer than one hundred percent (100%) of the students that were enrolled in that school corporation on the date fixed in February 2020 by the state board for a count of students under IC 20-43-4-3 were receiving instruction in an interactive learning environment created through technology in which the student for whom the instruction is being provided is separated from a teacher by time or space, or both."

Page 4, line 22, after "(b)" insert "**This subsection applies only for the purposes of determining a school corporation's basic tuition support under IC 20-43-6-3 using the 2021 spring count of ADM as described in IC 20-43-4-9(a).**".

Page 4, delete lines 39 through 42.

Page 5, delete lines 1 through 2.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 2 as printed January 29, 2021.)

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Committee Vote: yeas 20, nays 0.

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