

Second Regular Session of the 122nd General Assembly (2022)

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 2021 Regular Session of the General Assembly.

SENATE ENROLLED ACT No. 2

AN ACT to amend the Indiana Code concerning education.

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

SECTION 1. IC 20-19-3-28 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 28. Not later than September 1 of each year, the department shall do the following:**

- (1) Compile and prepare a report regarding the information reported by school corporations and charter schools to the department under IC 20-26-5-42.1.**
- (2) Submit the report to the legislative council in an electronic format under IC 5-14-6.**

SECTION 2. IC 20-26-5-42.1 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 42.1. (a) Not later than April 15 of each year, each school corporation and charter school shall report to the department the number of students who meet the following conditions during the student's expected graduation year (as defined in IC 20-26-13-4):**

- (1) The student was enrolled in the school corporation on the day in September fixed by the state board for the fall count of students under IC 20-43-4-3.**
- (2) The student successfully completed Indiana high school graduation requirements before the day in February fixed by the state board for the spring count of students under IC 20-43-4-3.**

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(3) The student was not enrolled in the school corporation on the day in February fixed by the state board for the spring count of students under IC 20-43-4-3.

(b) In addition to the number provided under subsection (a), each school corporation and charter school shall submit information prescribed by the department that is necessary to verify the number reported under subsection (a).

SECTION 3. IC 20-43-4-6.5, AS ADDED BY P.L.165-2021, SECTION 163, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021 (RETROACTIVE)]: Sec. 6.5. (a) Subject to subsection (b), for purposes of determining basic tuition support for a school corporation under IC 20-43-6-3, the department shall review the daily attendance of each student to determine whether, of the instructional services that the student receives from a school corporation, at least fifty percent (50%) is virtual instruction. The department shall review the daily attendance of a student under this subsection as follows:

(1) Except as provided in section 6.7 of this chapter, for purposes of the fall count of ADM, the department shall review the attendance for each student on each school day from the school corporation's first day of school until the day fixed in September by the state board under section 3 of this chapter.

(2) For purposes of the spring count of ADM, the department shall review the attendance for each student on each school day from the first day after the date described in subdivision (1) until the date fixed in February by the state board under section 3 of this chapter.

(b) In reviewing daily attendance under this section, the department shall take into consideration whether a student transferred to the school corporation during the dates described in subsection (a)(1) and (a)(2) that the department reviews daily attendance.

SECTION 4. IC 20-43-4-6.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021 (RETROACTIVE)]: **Sec. 6.7. (a) This section applies to the 2021 fall count of ADM made on the date fixed in September 2021 by the state board for a count of eligible pupils under section 3 of this chapter.**

(b) This section does not apply to a student enrolled in a:

- (1) dedicated virtual education school; or**
- (2) virtual charter school (as defined in IC 20-24-1-10);**

on the date fixed in September 2021 by the state board for a count of eligible pupils under section 3 of this chapter.



(c) Subject to subsection (d), in determining whether at least fifty percent (50%) of the instructional services that a student receives from a school corporation is virtual instruction for purposes of the 2021 fall count of ADM, the department shall review the attendance of each student on each school day from the school corporation's first day of school until the school corporation's last day of school of the 2021 fall semester.

(d) If a student transferred to or from a school corporation during the 2021 fall semester, the department shall review the attendance of the student only on each school day described in subsection (c) that the student attended the school corporation in which the student was enrolled and attending on the date fixed in September 2021 by the state board for a count of eligible pupils under section 3 of this chapter.

(e) If a school corporation's tuition support amount is adjusted as a result of the application of this section, the department shall, after December 31, 2021, settle any overpayment or underpayment of state tuition support to a school corporation resulting from the adjustment of tuition support on the schedule determined by the department.

(f) This section expires December 31, 2022.

SECTION 5. An emergency is declared for this act.



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

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