



January 21, 2022

SENATE BILL No. 123

DIGEST OF SB 123 (Updated January 19, 2022 1:55 pm - DI 110)

Citations Affected: IC 20-24; IC 20-24.2; IC 20-25.7; IC 20-26.5; IC 20-31.

Synopsis: Dyslexia screening and intervention. Provides that the dyslexia screening and intervention provisions apply to: (1) qualified districts or qualified high schools; and (2) innovation network schools. Provides that the following may not waive or suspend the dyslexia screening and intervention provisions: (1) A coalition of continuous improvement school districts. (2) State accredited public schools. Adds, for consistency, the dyslexia screening and intervention provisions to the list of statutes that apply to charter schools. (Under current law, the dyslexia screening and intervention requirements already apply to charter schools because of the language in the dyslexia screening and intervention provisions.)

Effective: July 1, 2022.

Freeman, Houchin

January 4, 2022, read first time and referred to Committee on Education and Career Development.
January 20, 2022, amended, reported favorably — Do Pass.

SB 123—LS 6556/DI 110



January 21, 2022

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 BILL No. 123

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 20-24-8-5, AS AMENDED BY P.L.147-2020,
2 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2022]: Sec. 5. The following statutes and rules and guidelines
4 adopted under the following statutes apply to a charter school:
5 (1) IC 5-11-1-9 (required audits by the state board of accounts).
6 (2) IC 20-39-1-1 (unified accounting system).
7 (3) IC 20-35 (special education).
8 (4) IC 20-26-5-10 (criminal history).
9 (5) IC 20-26-5-6 (subject to laws requiring regulation by state
10 agencies).
11 (6) IC 20-28-10-12 (nondiscrimination for teacher marital status).
12 (7) IC 20-28-10-14 (teacher freedom of association).
13 (8) IC 20-28-10-17 (school counselor immunity).
14 (9) For conversion charter schools only if the conversion charter
15 school elects to collectively bargain under IC 20-24-6-3(b),
16 IC 20-28-6, IC 20-28-7.5, IC 20-28-8, IC 20-28-9, and
17 IC 20-28-10.

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- 1 (10) IC 20-33-2 (compulsory school attendance).
 2 (11) IC 20-33-8-19, IC 20-33-8-21, and IC 20-33-8-22 (student
 3 due process and judicial review).
 4 (12) IC 20-33-8-16 (firearms and deadly weapons).
 5 (13) IC 20-34-3 (health and safety measures).
 6 (14) IC 20-33-9 (reporting of student violations of law).
 7 (15) IC 20-30-3-2 and IC 20-30-3-4 (patriotic commemorative
 8 observances).
 9 (16) IC 20-31-3, IC 20-32-4, IC 20-32-5 (for a school year ending
 10 before July 1, 2018), IC 20-32-5.1 (for a school year beginning
 11 after June 30, 2018), IC 20-32-8, and IC 20-32-8.5, as provided
 12 in IC 20-32-8.5-2(b) (academic standards, accreditation,
 13 assessment, and remediation).
 14 (17) IC 20-33-7 (parental access to education records).
 15 (18) IC 20-31 (accountability for school performance and
 16 improvement).
 17 (19) IC 20-30-5-19 (personal financial responsibility instruction).
 18 (20) IC 20-26-5-37.3, before its expiration (career and technical
 19 education reporting).
 20 **(21) IC 20-35.5 (dyslexia screening and intervention).**
 21 ~~(21)~~ **(22)** IC 22-2-18, before its expiration on June 30, 2021
 22 (limitations on employment of minors).
 23 SECTION 2. IC 20-24.2-4-4, AS AMENDED BY P.L.140-2018,
 24 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2022]: Sec. 4. The following provisions of this title and rules
 26 and guidelines adopted under the following provisions of this title
 27 apply to a qualified district or qualified high school:
 28 IC 20-20-1 (educational service centers).
 29 IC 20-20-8 (school corporation annual performance report).
 30 IC 20-23 (organization of school corporations).
 31 IC 20-26 (school corporation general administrative provisions).
 32 IC 20-27 (school transportation).
 33 IC 20-28-3-4 (teacher continuing education).
 34 IC 20-28-4-8 (hiring of transition to teaching participants;
 35 restrictions).
 36 IC 20-28-4-11 (transition to teaching participants; school
 37 corporation or subject area; transition to teaching permit).
 38 IC 20-28-5-8 (conviction of certain felonies; notice and hearing;
 39 permanent revocation of license; data base of school employees
 40 who have been reported).
 41 IC 20-28-6 (teacher contracts).
 42 IC 20-28-7.5 (cancellation of teacher contracts).



- 1 IC 20-28-8 (contracts with school administrators).
 2 IC 20-28-9 (teacher salary and related payments).
 3 IC 20-28-10 (conditions of employment).
 4 IC 20-28-11.5 (staff performance evaluations).
 5 IC 20-29 (collective bargaining for teachers).
 6 IC 20-30-3-2 and IC 20-30-3-4 (patriotic commemorative
 7 observances).
 8 IC 20-30-5-13 (human sexuality instructional requirements).
 9 IC 20-30-5-19 (personal financial responsibility instruction).
 10 IC 20-31 (accountability for school performance and
 11 improvement).
 12 IC 20-32-4, IC 20-32-5 (for a school year beginning before July
 13 1, 2018), IC 20-32-5.1 (for a school year ending after June 30,
 14 2018), and IC 20-32-8 (accreditation, assessment, and
 15 remediation), or any other statute, rule, or guideline related to
 16 standardized assessments.
 17 IC 20-33 (students: general provisions).
 18 IC 20-34-3 (health and safety measures).
 19 IC 20-35 (special education).
 20 **IC 20-35.5 (dyslexia screening and intervention).**
 21 IC 20-36 (high ability students).
 22 IC 20-39 (accounting and financial reporting procedures).
 23 IC 20-40 (government funds and accounts).
 24 IC 20-41 (extracurricular funds and accounts).
 25 IC 20-42.5 (allocation of expenditures to student instruction and
 26 learning).
 27 IC 20-43 (state tuition support).
 28 IC 20-44 (property tax levies).
 29 IC 20-46 (levies other than general fund levies).
 30 IC 20-47 (related entities; holding companies; lease agreements).
 31 IC 20-48 (borrowing and bonds).
 32 IC 20-49 (state management of common school funds; state
 33 advances and loans).
 34 IC 20-50 (homeless children and foster care children).
 35 SECTION 3. IC 20-25.7-4-8, AS ADDED BY P.L.214-2015,
 36 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2022]: Sec. 8. (a) Except as otherwise provided in this article,
 38 the following do not apply to an innovation network school:
 39 (1) An Indiana statute applicable to a governing body or school
 40 corporation.
 41 (2) A rule or guideline adopted by the state board, except for
 42 those rules that assist a teacher in gaining or renewing a standard



- 1 or advanced license.
- 2 (3) A local regulation or policy adopted by a school corporation
- 3 unless specifically incorporated in the agreement established
- 4 under this chapter.
- 5 (b) Except as otherwise provided in this article, the following
- 6 statutes apply to an innovation network school:
- 7 (1) IC 20-24-8-5 (statutes applicable to charter schools).
- 8 (2) IC 20-28-11.5 (staff performance evaluations).
- 9 (3) IC 20-24-6 (employment of teachers and other personnel in
- 10 charter schools).
- 11 **(4) IC 20-35.5 (dyslexia screening and intervention).**
- 12 SECTION 4. IC 20-26.5-2-3, AS AMENDED BY P.L.92-2020,
- 13 SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 14 JULY 1, 2022]: Sec. 3. (a) Notwithstanding any other law, the
- 15 following may be suspended for a coalition member in accordance with
- 16 the coalition's plan:
- 17 (1) Subject to section 1(c) of this chapter, IC 20-30, concerning
- 18 curriculum.
- 19 (2) The following statutes and rules concerning curricular
- 20 materials:
- 21 IC 20-26-12-1.
- 22 IC 20-26-12-2.
- 23 IC 20-26-12-24.
- 24 IC 20-26-12-26.
- 25 511 IAC 6.1-5-5.
- 26 (3) The following rules concerning teacher licenses:
- 27 511 IAC 16.
- 28 511 IAC 17.
- 29 (4) Subject to subsection (c), IC 20-31-3 (concerning the adoption
- 30 of academic standards).
- 31 (5) IC 20-31-4.1, concerning the performance based accreditation
- 32 system.
- 33 (6) Except as provided in subsection (b), any other statute in
- 34 IC 20 or rule in 511 IAC requested to be suspended as part of the
- 35 plan that is approved by the state board under section 1 of this
- 36 chapter.
- 37 (b) A coalition member may not suspend under subsection (a)(6)
- 38 any of the following:
- 39 (1) IC 20-26-5-10 (criminal history and child protection index
- 40 check).
- 41 (2) IC 20-28 (school teachers).
- 42 (3) IC 20-29 (collective bargaining).



- 1 (4) IC 20-31 (accountability for performance and improvement),
 2 except for IC 20-31-3 and IC 20-31-4.1.
 3 (5) Subject to subsection (c), IC 20-32-4 (graduation
 4 requirements).
 5 (6) IC 20-32-5.1 (Indiana's Learning Evaluation Assessment
 6 Readiness Network (ILEARN) program).
 7 (7) IC 20-33 (students).
 8 (8) IC 20-34 (student health and safety measures).
 9 (9) IC 20-35 (special education).
 10 **(10) IC 20-35.5 (dyslexia screening and intervention).**
 11 ~~(10)~~ **(11)** IC 20-36 (high ability students).
 12 ~~(11)~~ **(12)** IC 20-39 (accounting and financial reporting
 13 procedures).
 14 ~~(12)~~ **(13)** IC 20-40 (government funds and accounts).
 15 ~~(13)~~ **(14)** IC 20-41 (extracurricular funds and accounts).
 16 ~~(14)~~ **(15)** IC 20-42 (fiduciary funds and accounts).
 17 ~~(15)~~ **(16)** IC 20-42.5 (allocation of expenditures to student
 18 instruction and learning).
 19 ~~(16)~~ **(17)** IC 20-43 (state tuition support).
 20 ~~(17)~~ **(18)** IC 20-44 (property tax levies).
 21 ~~(18)~~ **(19)** IC 20-46 (levies other than general fund levies).
 22 ~~(19)~~ **(20)** IC 20-47 (related entities; holding companies; lease
 23 agreements).
 24 ~~(20)~~ **(21)** IC 20-48 (borrowing and bonds).
 25 ~~(21)~~ **(22)** IC 20-49 (state management of common school funds;
 26 state advances and loans).
 27 ~~(22)~~ **(23)** IC 20-50 (homeless children and foster care children).
 28 (c) A coalition member must comply with the postsecondary
 29 readiness competency requirements under IC 20-32-4-1.5(b)(1).
 30 However, notwithstanding any other law, a coalition member may
 31 replace high school courses on the high school transcript with courses
 32 on the same subject matter with equal or greater rigor to the required
 33 high school course and may count such a course as satisfying the
 34 equivalent diploma requirements established by IC 20 and any
 35 applicable state board administrative rules or requirements. If the
 36 coalition member school offers courses that are not aligned with
 37 requirements adopted by the state board under IC 20-30-10, a parent of
 38 a student and the student who intends to enroll in a course that is not
 39 aligned with requirements adopted by the state board under
 40 IC 20-30-10 must provide consent to the coalition member school to
 41 enroll in the course. The consent form used by the coalition, which
 42 shall be developed in collaboration with the commission for higher



1 education, must notify the parent and the student that enrollment in the
 2 course may affect the student's ability to attend a particular
 3 postsecondary educational institution or enroll in a particular course at
 4 a particular postsecondary educational institution because the course
 5 does not align with requirements established by the state board under
 6 IC 20-30-10.

7 SECTION 5. IC 20-31-4.1-7, AS ADDED BY P.L.92-2020,
 8 SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2022]: Sec. 7. A school or group of schools that submits an
 10 application under section 4 of this chapter may not request to waive any
 11 of the following provisions:

- 12 IC 20-26-5-10 (criminal history and child protection index check).
- 13 IC 20-27-7 (school bus inspection and registration).
- 14 IC 20-27-8-1 (school bus drivers and monitors).
- 15 IC 20-27-8-2 (school bus driver driving summary).
- 16 IC 20-27-10-3 (capacity of school bus).
- 17 IC 20-28 (school teachers).
- 18 IC 20-29 (collective bargaining).
- 19 IC 20-30-5-0.5 (display of United States flag; Pledge of
 20 Allegiance).
- 21 IC 20-30-5-1 (constitutions).
- 22 IC 20-30-5-2 (constitutions; interdisciplinary course).
- 23 IC 20-30-5-3 (protected writings).
- 24 IC 20-30-5-4 (American history).
- 25 IC 20-30-5-4.5 (moment of silence).
- 26 IC 20-30-5-5 (morals instruction).
- 27 IC 20-30-5-6 (good citizenship instruction).
- 28 IC 20-30-5-13 (human sexuality instructional requirements).
- 29 IC 20-30-5-17 (access to materials; consent for participation).
- 30 IC 20-30-5-21 (contrary student instruction not permitted).
- 31 IC 20-30-5-22 (Indiana studies).
- 32 IC 20-31 (accountability for performance and improvement).
- 33 IC 20-32-4 (graduation requirements).
- 34 IC 20-32-5.1 (Indiana's Learning Evaluation Assessment
 35 Readiness Network (ILEARN) program).
- 36 IC 20-33-1 (equal educational opportunity).
- 37 IC 20-34 (student health and safety measures).
- 38 IC 20-35 (special education).
- 39 **IC 20-35.5 (dyslexia screening and intervention).**
- 40 IC 20-36 (high ability students).
- 41 IC 20-39 (accounting and financial reporting procedures).
- 42 IC 20-40 (government funds and accounts).



- 1 IC 20-41 (extracurricular funds and accounts).
- 2 IC 20-42 (fiduciary funds and accounts).
- 3 IC 20-42.5 (allocation of expenditures to student instruction and
- 4 learning).
- 5 IC 20-43 (state tuition support).
- 6 IC 20-44 (property tax levies).
- 7 IC 20-46 (levies other than general fund levies).
- 8 IC 20-47 (related entities; holding companies; lease agreements).
- 9 IC 20-48 (borrowing and bonds).
- 10 IC 20-49 (state management of common school funds; state
- 11 advances and loans).
- 12 IC 20-50 (homeless children and foster care children).
- 13 IC 20-51 (school scholarships).



COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill No. 123, 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 7, delete lines 14 through 42.

Delete pages 8 through 12.

and when so amended that said bill do pass.

(Reference is to SB 123 as introduced.)

RAATZ, Chairperson

Committee Vote: Yeas 9, Nays 0.

