

SENATE BILL No. 165

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-18-2-9.5; IC 20-19-3-9.4; IC 20-24.2; IC 20-26; IC 20-27-13-5; IC 20-28-9-15; IC 20-30; IC 20-32-8.5; IC 20-33-2-19; IC 20-43-1-14; IC 20-43-4-6.

Synopsis: Education matters. Provides that, for each school year, a school corporation shall conduct at least: (1) 54,000 minutes of instructional time for students in grades 1 through 6; and (2) 64,800 minutes of instructional time for students in grades 7 through 12. (Current law requires the following: (1) That a school corporation conducts at least 180 student instructional days. (2) That a student instructional day in grades 1 through 6 consists of at least five hours of instructional time and a student instructional day in grades 7 through 12 consists of at least six hours of instructional time.) Defines "instructional day". Simplifies and makes corresponding changes to reducing tuition support if a school corporation fails to conduct the minimum number of instructional minutes during a school year. Makes corresponding changes, including corresponding changes to the school flex program and to the calculation for determining full-time equivalency for average daily membership. Provides that the plan to improve reading skills of students must include a review of the reading skills of students in grade 2 and implementation of remedial action before grade 3 for a student if the student's reading skills are determined to be below the standard. Requires a school to submit a report to the department of education (department) that includes certain information regarding students whose reading skills were determined to be below the standard on the grade 3 reading skills evaluation. Requires the department to annually submit a report to the governor and legislative council regarding the information.

Effective: Upon passage; July 1, 2024.

Young M

January 8, 2024, read first time and referred to Committee on Education and Career Development.



Second Regular Session of the 123rd General Assembly (2024)

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 2023 Regular Session of the General Assembly.

SENATE BILL No. 165

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 20-18-2-9.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2024]: **Sec. 9.5. "Instructional day" means any day of the school**
4 **year that students in kindergarten through grade 12 participate in**
5 **instructional time (as defined in IC 20-30-2-1).**
6 SECTION 2. IC 20-19-3-9.4, AS AMENDED BY P.L.93-2016,
7 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2024]: Sec. 9.4. (a) Beginning January 1, 2010, the
9 department may obtain and maintain student test number information
10 in a manner and form that permits any person who is authorized to
11 review the information to:
12 (1) access the information at any time; and
13 (2) accurately determine:
14 (A) where each student is enrolled and attending classes; and
15 (B) the number of students enrolled in a school corporation or
16 charter school and residing in the area served by a school
17 corporation;



1 as of any date after December 31, 2009, occurring before two (2)
 2 ~~regular~~ instructional days before the date of the inquiry.

3 Each school corporation and charter school shall provide the
 4 information to the department in the form and on a schedule that
 5 permits the department to comply with this section. The department
 6 shall provide technical assistance to school corporations and charter
 7 schools to assist school corporations and charter schools in complying
 8 with this section.

9 (b) Beginning with the 2015-2016 school year, each school
 10 corporation and charter school shall annually:

11 (1) determine, on a form prescribed by the department, whether
 12 a student who attends an adult high school (as defined under
 13 IC 20-24-1-2.3) or a student's parent or a member of the same
 14 household is a member of:

15 (A) the armed forces of the United States who is on active
 16 duty;

17 (B) the reserve component of a branch of the armed forces of
 18 the United States; or

19 (C) the national guard; and

20 (2) provide to the department a list of the students who have been
 21 identified under subdivision (1).

22 The information collected by a school corporation or charter school
 23 under subdivision (1) is considered confidential and shall be collected
 24 by the school corporation or charter school under guidelines for
 25 maintaining confidentiality established by the department. The
 26 department shall assign each student identified under subdivision (1)
 27 a unique identifier, which may be a modification of the student's test
 28 number assigned under subsection (a), by which data concerning
 29 military connected students may be disaggregated, including
 30 information concerning attendance records and academic progress.

31 SECTION 3. IC 20-24.2-3-1, AS AMENDED BY P.L.213-2015,
 32 SECTION 163, IS AMENDED TO READ AS FOLLOWS
 33 [EFFECTIVE JULY 1, 2024]: Sec. 1. (a) The state board shall establish
 34 stringent criteria to be used to determine whether a high school that
 35 does not meet the requirements under IC 20-24.2-2-2(b) may receive
 36 a waiver to ~~provide instructional days in the manner described in~~
 37 ~~IC 20-24.2-4-2~~ and be exempt from any or all of the statutes and rules
 38 listed in IC 20-24.2-4-3. The state board's criteria to approve a high
 39 school's waiver request must be based on a method or methods of
 40 measuring academic standards of the high school, as approved by the
 41 state board. The criteria must require the curriculum and instruction of
 42 a high school to create academic performance at a high level through



1 which students are college or career ready and globally competitive
2 upon graduation from high school.

3 (b) The state board shall submit the criteria developed by the state
4 board to grant a waiver under subsection (a) to the general assembly in
5 an electronic format under IC 5-14-6.

6 SECTION 4. IC 20-24.2-3-3, AS ADDED BY P.L.201-2013,
7 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2024]: Sec. 3. (a) If a high school provides a waiver request
9 that meets the requirements of section 2 of this chapter, the state board
10 may grant the high school's waiver request and certify the high school
11 as a qualified high school. If the state board grants the high school's
12 waiver request, the high school is considered to be certified as a
13 qualified high school and may provide student instructional days in the
14 manner described in IC 20-24.2-4-2 and is exempt from any or all of
15 the statutes and rules listed in IC 20-24.2-4-3. The certification is
16 effective beginning with the school year following the school year in
17 which the high school is certified.

18 (b) The state board must act upon a high school's waiver request not
19 later than sixty (60) days after the waiver request is submitted to the
20 state board.

21 SECTION 5. IC 20-24.2-4-2 IS REPEALED [EFFECTIVE JULY
22 1, 2024]. Sec. 2: (a) During each school year, a qualified district or
23 qualified high school shall provide at least sixty-four thousand eight
24 hundred (64,800) minutes of instruction and learning for grades 9
25 through 12:

26 (b) A qualified district or qualified high school is not required to
27 provide at least one hundred eighty (180) student instructional days.
28 However, the total number of minutes of instruction provided in a
29 school year under subsection (a) may not be less than the greatest total
30 number of minutes provided during any one (1) school year of the five
31 (5) school years immediately preceding the school year:

32 (c) Student activities that:

- 33 (1) are organized by the qualified district or qualified high school;
- 34 (2) occur outside the traditional classroom; and
- 35 (3) are designed to provide instruction, academic enrichment, or
36 college and career readiness training;

37 are included as student instructional time under subsection (a):

38 SECTION 6. IC 20-26-7-47, AS ADDED BY P.L.189-2023,
39 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 JULY 1, 2024]: Sec. 47. (a) The following definitions apply throughout
41 this section:

- 42 (1) "Covered school building" has the meaning set forth in



- 1 IC 20-26-7.1-2.1.
- 2 (2) "Current school year" refers to a year in which the governing
- 3 body is required to conduct a review of school building usage
- 4 under subsection (c).
- 5 (3) "Enrollment" refers to the following:
- 6 (A) Except as provided in clause (B), students counted in
- 7 ADM (as defined in IC 20-43-1-6) in the first count date for a
- 8 school year fixed under IC 20-43-4-3.
- 9 (B) With regard to a school corporation, students counted in a
- 10 school corporation's fall count of ADM minus all students
- 11 counted in the fall count of ADM who are enrolled in eligible
- 12 schools that:
- 13 (i) have entered into an agreement with the school
- 14 corporation to participate as a participating innovation
- 15 network charter school under IC 20-25.7-5; and
- 16 (ii) are included in the school corporation's fall ADM count.
- 17 (4) "Interested person" has the meaning set forth in
- 18 IC 20-26-7.1-2.2.
- 19 (b) This section applies to a school corporation only if:
- 20 (1) the total student enrollment for in-person instruction in the
- 21 school corporation in the current school year is at least ten percent
- 22 (10%) less than the student enrollment for in-person instruction
- 23 in the school corporation in a school year that precedes the
- 24 current school year by five (5); and
- 25 (2) the school corporation in the current school year has more
- 26 than one (1) school building serving the same grade level as the
- 27 school building subject to closure under this section.
- 28 (c) Each school year, the governing body of a school corporation
- 29 shall review the usage of school buildings used by the school
- 30 corporation to determine whether any school building should be closed
- 31 for the ensuing school year and subsequent school years.
- 32 (d) A school corporation may close a school building for the ensuing
- 33 school year (and subsequent school years) if:
- 34 (1) at any time the school building had been used for classroom
- 35 instruction;
- 36 (2) in the current school year and the two (2) school years
- 37 immediately preceding the current school year the school building
- 38 was underutilized for classroom instruction purposes or other
- 39 allowable uses specified by this section;
- 40 (3) as of the end of the school year before the school building is
- 41 required to be closed under this section, the school corporation
- 42 was not subject to a transitional plan adopted by the governing



1 body and approved by the department to use the school building
 2 for an allowable use not later than the next school year after the
 3 school building is otherwise required to be closed under this
 4 section;

5 (4) in the case of a school building that was used in any part in the
 6 current school year for instructional purposes, the school
 7 corporation has another school building:

8 (A) with sufficient capacity to take the students using the
 9 school building being considered for closure; and

10 (B) that does not require more than twenty (20) minutes of
 11 travel time by car or bus from the school building being
 12 considered for closure; and

13 (5) the school building is not a school building described in
 14 IC 20-26-7.1-1, IC 20-26-7.1-3(b), IC 20-26-7.1-3(c), or
 15 IC 20-26-7.1-3(d).

16 (e) For purposes of this section, a school building is underutilized
 17 in a school year if the school building is not used for any of the
 18 following allowable uses:

19 (1) The number of full-time equivalent students enrolled for
 20 in-person instruction in the school building on instructional days
 21 ~~(as determined under IC 20-30-2)~~ for instructional purposes,
 22 averaged over the current school year and the two (2) school years
 23 immediately preceding the current school year, is at least sixty
 24 percent (60%) of:

25 (A) the known classroom design capacity of the school
 26 building; or

27 (B) if the design capacity is not known, the average maximum
 28 full-time equivalent enrollment in any of the last twenty-five
 29 (25) years, as validated by records created or maintained by
 30 the department.

31 (2) The school corporation demonstrates through facts included
 32 in a resolution that the school building is being used and that it is
 33 financially prudent to continue to use the school building,
 34 considering all community resources, for a distinct student
 35 population that reasonably cannot be served through integration
 36 with the general school population, such as students attending an
 37 alternative education program (as defined in IC 20-30-8-1).
 38 However, to be an allowable use under this subdivision, the
 39 average number of full-time equivalent students using the school
 40 building in a school year for instructional purposes must be at
 41 least thirty percent (30%) of:

42 (A) the known classroom design capacity of the school



- 1 building; or
2 (B) if the design capacity is not known, the average maximum
3 full-time equivalent enrollment in any of the last twenty-five
4 (25) years, as validated by records created or maintained by
5 the department; and
6 (if multiple school buildings are used for the same purposes)
7 combining the student populations into fewer school buildings is
8 not reasonably feasible.
- 9 (3) The school corporation demonstrates through facts included
10 in a resolution that the school building is being used and that it is
11 financially prudent to continue to use the school building,
12 considering all community resources, for administrative or other
13 school offices. However, to be an allowable use under this
14 subdivision, at least fifty percent (50%) of the square footage of
15 the school building must be used for offices, the personnel
16 headquartered in the school building must consistently use the
17 space for office purposes, and the occupancy cost of using the
18 school building cannot be more than comparable office space that
19 is available in the school district.
- 20 (4) The school corporation demonstrates through facts included
21 in a resolution that the school building is being used and that it is
22 financially prudent to continue to use the school building,
23 considering all community resources, for storage. However, to be
24 an allowable use under this subdivision, at least fifty percent
25 (50%) of the square footage of the school building must be used
26 for storage, on average the storage space must be used to capacity,
27 and the cost of using the school building for storage must be less
28 than comparable storage space that is available in the school
29 district.
- 30 (5) The school corporation demonstrates through facts included
31 in a resolution that the school building is being used and that it is
32 financially prudent to continue to use the school building,
33 considering all community resources, for a combination of office
34 space and storage. However, to be an allowable use under this
35 subdivision, at least fifty percent (50%) of the square footage of
36 the school building must be used for a combination of office
37 space and storage and:
38 (A) the personnel headquartered in the school building must
39 consistently use the office space for office purposes, and the
40 occupancy cost of using the office space, calculated using the
41 costs of operating the school building, cannot be more than
42 comparable office space that is available in the school district;



- 1 and
- 2 (B) on average, the storage space must be used to capacity and
- 3 the cost of using the school building for storage must be less
- 4 than comparable storage space that is available in the school
- 5 district.
- 6 (f) Closure of a school building that is:
- 7 (1) owned by the school corporation or any other entity that is
- 8 related in any way to, or created by, the school corporation or the
- 9 governing body; or
- 10 (2) jointly owned in the same manner by two (2) or more school
- 11 corporations;
- 12 shall be carried out in conformity with IC 20-26-7.1.
- 13 (g) Before filing a petition under subsection (h), a charter school or
- 14 state educational institution that is interested in a school corporation's
- 15 school building must give written notice to the school corporation to
- 16 determine whether an agreement can be reached regarding the school
- 17 corporation making the school building available for lease or purchase
- 18 under IC 20-26-7.1.
- 19 (h) If an agreement is not reached within forty-five (45) days after
- 20 the date that the school corporation receives the notice under
- 21 subsection (g), the charter school or state educational institution may
- 22 petition the department to initiate or the department on its own may
- 23 initiate a proceeding for a determination as to whether a school
- 24 building meets the criteria for closure under this section or a covered
- 25 school building that is no longer used for classroom instruction by a
- 26 school corporation should be made available under IC 20-26-7.1. If a
- 27 charter school or state educational institution petitions the department
- 28 under this subsection, the charter school or state educational institution
- 29 must provide a copy of the petition to the applicable school
- 30 corporation.
- 31 (i) An interested person that is not otherwise a party to the
- 32 proceeding may intervene in the proceeding under subsection (h) as a
- 33 party. The school corporation has the burden of going forward with the
- 34 evidence and the burden of proof to demonstrate that the school
- 35 building does not meet the criteria for closure or the covered school
- 36 building is not required to be made available under IC 20-26-7.1.
- 37 (j) Not more than sixty (60) days after receiving notice of a petition
- 38 under subsection (h), the school corporation must:
- 39 (1) file a response to the petition that notifies the department that
- 40 the school corporation:
- 41 (A) is not contesting the petition; or
- 42 (B) is contesting the petition and states the facts upon which



- 1 the school corporation relies in contesting the petition; and
 2 (2) provide a copy of the response to the petitioner and any
 3 intervening party.
- 4 (k) If the school corporation:
 5 (1) files a response that the school corporation is not contesting
 6 the petition; or
 7 (2) fails to submit a timely response under subsection (j);
 8 the department shall issue an order granting the petition. A petition and
 9 any response or reply are public documents.
- 10 (l) If a school corporation contests a petition under subsection (j),
 11 a party to the proceeding has not more than sixty (60) days after the
 12 date that the school corporation files a response under subsection (j) to
 13 submit a reply to the school corporation's response.
- 14 (m) The department shall make a determination regarding a petition
 15 under subsection (h) not more than one hundred twenty (120) days after
 16 the date that the:
 17 (1) petitioner and any intervening party have submitted a reply
 18 under subsection (l); or
 19 (2) time period to reply under subsection (l) has expired.
- 20 (n) A school corporation or another party to the proceeding may file
 21 with the state board a petition requesting review of the department's
 22 determination. Upon receipt of a petition under this subsection, the
 23 state board shall review the department's determination. An appeal to
 24 the state board shall be subject to the procedure described in
 25 IC 20-26-11-15(b).
- 26 (o) Upon the issuance of a final unappealable order granting a
 27 petition, the school corporation may make the school building available
 28 for lease or purchase in accordance with IC 20-26-7.1.
- 29 SECTION 7. IC 20-26-7-48, AS ADDED BY P.L.189-2023,
 30 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2024]: Sec. 48. (a) The following definitions apply throughout
 32 this section:
 33 (1) "Current school year" refers to a year in which the governing
 34 body is required to conduct a review of school building usage
 35 under section 47(c) of this chapter.
 36 (2) "Enrollment" has the meaning set forth in section 47(a)(3) of
 37 this chapter.
- 38 (b) This section applies to a school corporation only if:
 39 (1) the total student enrollment for in-person instruction in the
 40 school corporation in the current school year is at least ten percent
 41 (10%) less than the student enrollment for in-person instruction
 42 in the school corporation in a school year that precedes the



1 current school year by five (5); and

2 (2) the school corporation in the current school year has more
3 than one (1) school building serving the same grade level as a
4 school building subject to closure under section 47 of this chapter.

5 (c) Each school corporation shall annually report to the department,
6 in the form and on the schedule specified by the department, the
7 following information:

8 (1) A listing of all buildings owned or leased by the school
9 corporation that were originally designed as a school building.

10 (2) The following information for each building listed in
11 subdivision (1):

12 (A) Designed occupancy, regardless of current use.

13 (B) Current use (and percentage of use) for classroom
14 instruction, as special use classrooms, as office space, or as
15 storage or alternatively the building's status as transitioning
16 from one (1) use or combination of uses to another.

17 (C) The following information:

18 (i) Current average full-time equivalent student enrollment
19 for in-person instruction in the school building on
20 instructional days (~~as determined under IC 20-30-2~~) in a
21 school year.

22 (ii) Percentage of instructional use.

23 (iii) Percentage of use for other purposes.

24 (D) Self-evaluation of whether the building qualifies for
25 closure under section 47 of this chapter or the school board
26 otherwise intends to close the building and the date closure
27 will occur (if applicable).

28 SECTION 8. IC 20-26-7.1-5.3, AS ADDED BY P.L.189-2023,
29 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
30 JULY 1, 2024]: Sec. 5.3. (a) This section applies to a covered school
31 building purchased or leased by a charter school under this chapter.

32 (b) A school corporation may not petition the department under
33 subsection (c) within the first five (5) years after a charter school
34 purchased or initially leased a covered school building under this
35 chapter.

36 (c) If the number of full-time equivalent students enrolled for
37 in-person instruction in a school building on instructional days (~~as
38 determined under IC 20-30-2~~) for instructional purposes for a school
39 year is not at least sixty percent (60%) of:

40 (1) the known classroom design capacity of the school building;

41 or

42 (2) if the design capacity is not known, the average maximum



1 full-time equivalent enrollment in any of the last twenty-five (25)
 2 years, as validated by records created or maintained by the
 3 department;

4 the school corporation that leased or sold the school building to the
 5 charter school may file a petition with the department requesting that
 6 the charter school transfer the school building back to the school
 7 corporation.

8 (d) Before filing a petition under subsection (c), the school
 9 corporation must give written notice to the charter school to determine
 10 whether an agreement can be reached regarding transferring the school
 11 building to the school corporation.

12 (e) A petition filed under this section is subject to the same
 13 procedures under IC 20-26-7-47 as a petition filed under
 14 IC 20-26-7-47(h).

15 SECTION 9. IC 20-26-11-11.5, AS AMENDED BY P.L.108-2019,
 16 SECTION 213, IS AMENDED TO READ AS FOLLOWS
 17 [EFFECTIVE JULY 1, 2024]: Sec. 11.5. (a) The following definitions
 18 apply to this section:

19 (1) "ADM" means average daily membership (as defined in
 20 IC 20-18-2-2).

21 (2) "Facility" means a secure private facility described in
 22 IC 31-9-2-115(a)(1).

23 (3) "School corporation" means the Indiana school or charter
 24 school that is receiving state tuition support for the student at the
 25 time of the student's admission to the facility.

26 (4) "Student" means an individual who:
 27 (A) is more than five (5) years of age and less than
 28 twenty-three (23) years of age;
 29 (B) has been admitted to a facility; and
 30 (C) was enrolled in a school corporation during the school year
 31 immediately preceding the student's admission to the facility.

32 (b) This section applies to a student if:
 33 (1) the student is placed in a facility under the written order of a
 34 physician licensed under IC 25-22.5;

35 (2) the written order of the physician licensed under IC 25-22.5
 36 is based on medical necessity, as determined by a physician
 37 licensed under IC 25-22.5; and

38 (3) the student receives educational services provided by the
 39 facility.

40 (c) A facility shall provide written notice to the school corporation
 41 not later than five (5) business days (excluding weekends and holidays)
 42 after a student described in subsection (b) is admitted to the facility.



- 1 The written notice must include the following:
- 2 (1) The student's name, address, and date of birth.
- 3 (2) The date on which the student was admitted to the facility.
- 4 (3) A copy of the physician's written order.
- 5 (4) A statement that the student has opted out of attending school
- 6 under IC 20-26-11-8.
- 7 (5) A statement that the facility will provide all educational
- 8 services to the student during the student's admission in the
- 9 facility.
- 10 (d) The school corporation shall pay the facility a daily per diem as
- 11 determined under subsection (e) for the educational services provided
- 12 by the facility to the student during the student's admission in the
- 13 facility. The school corporation may not be required to pay for any
- 14 educational services provided to the student by the facility exceeding
- 15 ~~one hundred eighty (180) the minutes of instructional days time~~
- 16 **required under IC 20-30-2-3** or an amount exceeding the student's
- 17 proportionate share of state distributions paid to the school corporation,
- 18 as determined under subsection (e).
- 19 (e) A school corporation shall pay to the facility an amount, prorated
- 20 according to the ~~number amount~~ of instructional ~~days time~~ for which
- 21 the student receives the educational services, equal to:
- 22 (1) the student's proportionate share (as compared to the school
- 23 corporation's total ADM) of basic tuition support (as determined
- 24 under IC 20-43-6-3) distributions that are made to the school
- 25 corporation for the school year; and
- 26 (2) any special education grants received by the school
- 27 corporation for the student under IC 20-43-7.
- 28 Upon request of a facility, the department shall verify the amounts
- 29 described in this subsection for a student admitted to the facility.
- 30 (f) A school corporation responsible for making a per diem payment
- 31 under this section shall pay the facility not later than sixty (60) days
- 32 after receiving an invoice from the facility. The school corporation and
- 33 the facility are entitled to the same remedies for disagreements over
- 34 amounts or nonpayment of an amount due as are provided under the
- 35 laws governing transfer tuition.
- 36 (g) For each student admitted to a facility, the facility shall provide
- 37 the following in accordance with rules adopted by the state board:
- 38 (1) An educational opportunity, including special education and
- 39 related services, that is comparable to that of a student attending
- 40 a school in the school corporation.
- 41 (2) A level of educational services from the facility that is
- 42 comparable to that of a student attending a school in the school



1 corporation.

2 (3) Unless otherwise provided in a student's individualized
3 education program (as defined in IC 20-18-2-9), educational
4 services that include at least the following:

5 ~~(A) An instructional day that meets the requirements of~~
6 ~~IC 20-30-2-2.~~

7 ~~(B) (A) A school year with at least one hundred eighty (180)~~
8 ~~student instructional days as provided that meets the~~
9 ~~instructional time requirements under IC 20-30-2-3.~~

10 ~~(C) (B) Educationally appropriate textbooks and other~~
11 ~~materials.~~

12 ~~(D) (C) Educational services provided by licensed teachers.~~

13 (h) The state board shall adopt a rule that addresses the
14 responsibilities of the school corporation and the facility with regard to
15 a student with an individualized education program.

16 (i) This section does not limit a student's right to attend a school as
17 provided in IC 20-26-11-8.

18 (j) The state board shall adopt rules under IC 4-22-2 as necessary to
19 implement this section.

20 (k) The state board may adopt emergency rules in the manner
21 provided in IC 4-22-2-37.1 to implement this section.

22 SECTION 10. IC 20-27-13-5, AS ADDED BY P.L.145-2012,
23 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
24 JULY 1, 2024]: Sec. 5. Transportation provided under a transportation
25 program required under section 3 of this chapter may be limited by the
26 school corporation's governing body to providing transportation to
27 school immediately before the beginning of an instructional day ~~(as~~
28 ~~described in IC 20-30-2-2)~~ and from school immediately after the end
29 of an instructional day ~~(as described in IC 20-30-2-2)~~ without
30 additional accommodations for participation in extracurricular
31 activities.

32 SECTION 11. IC 20-28-9-15, AS ADDED BY P.L.1-2005,
33 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
34 JULY 1, 2024]: Sec. 15. If during the term of the teacher's contract:

35 (1) the school is closed by order of the:

36 (A) school corporation; or

37 (B) health authorities; or

38 (2) school cannot be conducted through no fault of the teacher;
39 the teacher shall receive regular payments during that time. If a
40 canceled student instructional day ~~(as defined in IC 20-30-2-2)~~ is
41 rescheduled to comply with IC 20-30-2, each teacher and
42 (notwithstanding IC 20-27-8-7) each school bus driver shall work on



1 that rescheduled day without additional compensation.

2 SECTION 12. IC 20-30-2-2, AS AMENDED BY P.L.201-2013,
3 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2024]: Sec. 2. (a) A student instructional day in grades 1
5 through 6 consists of at least five (5) hours of **Subject to the**
6 **requirements under section 3 of this chapter, a student**
7 **instructional day may consist of any amount of** instructional time.
8 Except as provided in subsection (b); (c); or (d), a student instructional
9 day in grades 7 through 12 consists of at least six (6) hours of
10 instructional time:

11 (b) Except as provided in subsection (c), an instructional day for a
12 school flex program under section 2.2 of this chapter consists of a
13 minimum of three (3) hours of instructional time:

14 (c) A student instructional day for a qualified high school (as
15 defined in IC 20-24.2-1-3) consists of any amount of instructional time:

16 (d) A high school student who is enrolled in at least twelve (12)
17 credit hours of on-campus dual credit courses (as described in
18 IC 21-43-1-2.5) is not required to comply with subsection (a) during
19 the semester in which the student is enrolled in at least twelve (12)
20 credit hours:

21 SECTION 13. IC 20-30-2-2.2, AS AMENDED BY P.L.147-2020,
22 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 JULY 1, 2024]: Sec. 2.2. (a) As used in this section, "eligible student"
24 means a student in grade 11 or 12 who has:

25 (1) failed the graduation exam (before July 1, 2022) or is not on
26 track to complete a postsecondary readiness competency;

27 (2) been determined to be chronically absent, by missing ten
28 percent (10%) or more of a school year for any reason;

29 (3) been determined to be a habitual truant, as identified under
30 IC 20-33-2-11;

31 (4) been significantly behind in credits for graduation, as
32 identified by an individual's school principal;

33 (5) previously undergone at least a second suspension from school
34 for the school year under IC 20-33-8-14 or IC 20-33-8-15;

35 (6) previously undergone an expulsion from school under
36 IC 20-33-8-14, IC 20-33-8-15, or IC 20-33-8-16; or

37 (7) been determined by the individual's principal and the
38 individual's parent or guardian to benefit by participating in the
39 school flex program.

40 (b) An eligible student who participates in a school flex program
41 must:

42 (1) attend school for at least ~~three (3) hours of instructional time~~



- 1 per school day; **thirty-two thousand four hundred (32,400)**
- 2 **minutes each school year;**
- 3 (2) pursue a timely graduation;
- 4 (3) provide evidence of college or technical career education
- 5 enrollment and attendance or proof of employment and labor that
- 6 is aligned with the student's career academic sequence under rules
- 7 established by the bureau of youth employment;
- 8 (4) not be suspended or expelled while participating in a school
- 9 flex program;
- 10 (5) pursue course and credit requirements for an Indiana diploma
- 11 with a general designation; and
- 12 (6) maintain a ninety-five percent (95%) attendance rate.

13 (c) A school may allow an eligible student in grade 11 or 12 to
 14 complete an instructional ~~day time~~ that consists of ~~three (3) hours of~~
 15 ~~instructional time at least~~ **thirty-two thousand four hundred**
 16 **(32,400) minutes in a school year** if the student participates in the
 17 school flex program.

18 SECTION 14. IC 20-30-2-3, AS ADDED BY P.L.1-2005,
 19 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2024]: Sec. 3. (a) **Except as provided under section 2.2 of**
 21 **this chapter**, for each school year, a school corporation shall conduct
 22 at least: ~~one hundred eighty (180) student instructional days.~~

- 23 (1) **fifty-four thousand (54,000) minutes of instructional time**
- 24 **for students in grades 1 through 6; and**
- 25 (2) **sixty-four thousand eight hundred (64,800) minutes of**
- 26 **instructional time for students in grades 7 through 12.**

27 (b) Not later than June 15 of each school year, the superintendent of
 28 each school corporation shall certify to the department the number of
 29 **minutes of** student instructional ~~days time~~ conducted during that
 30 school year.

31 SECTION 15. IC 20-30-2-4, AS AMENDED BY P.L.178-2022(ts),
 32 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2024]: Sec. 4. (a) Subject to subsection (c), if a school
 34 corporation fails to conduct the minimum number of student
 35 instructional ~~days~~ **minutes** during a school year as required under
 36 section 3 of this chapter, the department shall reduce the August tuition
 37 support distribution to that school corporation for a school year by an
 38 amount determined as follows:

- 39 ~~STEP ONE: Determine the remainder of:~~
- 40 (A) ~~the amount of the total tuition support allocated to the~~
- 41 ~~school corporation for the particular school year; minus~~
- 42 (B) ~~that part of the total tuition support allocated to the school~~



1 corporation for that school year with respect to student
 2 instructional days one hundred seventy-six (176) through one
 3 hundred eighty (180):
 4 **STEP TWO:** Subtract the number of student instructional days
 5 that the school corporation conducted from one hundred eighty
 6 (180):
 7 **STEP THREE:** Determine the lesser of five (5) or the remainder
 8 determined under **STEP TWO**:
 9 **STEP FOUR:** Divide the amount subtracted under **STEP ONE (B)**
 10 by five (5):
 11 **STEP FIVE:** Multiply the quotient determined under **STEP FOUR**
 12 by the number determined under **STEP THREE**:
 13 **STEP SIX:** Subtract the number determined under **STEP THREE**
 14 from the remainder determined under **STEP TWO**:
 15 **STEP SEVEN:** Divide the remainder determined under **STEP**
 16 **ONE** by one hundred seventy-five (175):
 17 **STEP EIGHT:** Multiply the quotient determined under **STEP**
 18 **SEVEN** by the remainder determined under **STEP SIX**:
 19 **STEP NINE:** Add the product determined under **STEP FIVE** to
 20 the product determined under **STEP EIGHT**:
 21 **STEP ONE:** Subtract the number of student instructional
 22 minutes that the school corporation conducted for students in
 23 grades 1 through 6 from fifty-four thousand (54,000) for the
 24 particular school year.
 25 **STEP TWO:** Divide the amount of the total tuition support
 26 allocated to the school corporation for the particular school
 27 year for students in grades 1 through 6 by fifty-four thousand
 28 (54,000).
 29 **STEP THREE:** Multiply the result determined under **STEP**
 30 **ONE** by the result determined under **STEP TWO**.
 31 **STEP FOUR:** Subtract the number of student instructional
 32 minutes that the school corporation conducted for students in
 33 grades 7 through 12 from sixty-four thousand eight hundred
 34 (64,800) for the particular school year.
 35 **STEP FIVE:** Divide the amount of the total tuition support
 36 allocated to the school corporation for the particular school
 37 year for students in grades 7 through 12 by sixty-four
 38 thousand eight hundred (64,800).
 39 **STEP SIX:** Multiply the result determined under **STEP**
 40 **FOUR** by the result determined under **STEP FIVE**.
 41 **STEP SEVEN:** Add the result determined under **STEP**
 42 **THREE** to the result determined under **STEP SIX**.



1 (b) If the total amount of state tuition support that a school
 2 corporation receives or will receive during a school year decreases
 3 under this section by an amount that is equal to or more than two
 4 hundred fifty thousand dollars (\$250,000) from the amount the school
 5 corporation would otherwise be eligible to receive during the school
 6 year as determined under IC 20-43, the budget committee shall review
 7 the amount of and the reason for the decrease before implementation
 8 of the decrease.

9 (c) If fewer than all of the schools in a school corporation fail to
 10 conduct the minimum number of student instructional ~~days~~ **time** during
 11 a school year as required under section 3 of this chapter, the reduction
 12 in August tuition support required by this section shall take into
 13 account only the schools in the school corporation that failed to
 14 conduct the minimum number of student instructional ~~days~~ **time** and
 15 only the grades for which the required number of student instructional
 16 days was not conducted.

17 SECTION 16. IC 20-30-2-5, AS ADDED BY P.L.1-2005,
 18 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2024]: Sec. 5. The department may grant a waiver of the
 20 penalty imposed under section 4 of this chapter for a particular number
 21 of canceled student instructional ~~days~~ **minutes** if:

- 22 (1) the school corporation applies to the department for a waiver
 23 of the penalty imposed under section 4 of this chapter for a
 24 specific number of canceled student instructional ~~days~~ **minutes**;
 25 and
 26 (2) each of the particular number of student instructional ~~days~~
 27 **minutes** requested to be waived under this section was canceled
 28 due to extraordinary circumstances.

29 SECTION 17. IC 20-30-8-7, AS AMENDED BY P.L.286-2013,
 30 SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2024]: Sec. 7. The program organizer may request the
 32 approval from the department for the following:

- 33 (1) To receive the grant for alternative education programs under
 34 IC 20-20-33.
 35 (2) To be granted waivers from rules adopted by the state board
 36 that may otherwise interfere with the objectives of the alternative
 37 education program, including waivers of:
 38 (A) certain high school graduation requirements;
 39 (B) the ~~length of the student~~ **number of minutes of**
 40 ~~instructional day as set forth in~~ **time required under**
 41 ~~IC 20-30-2-2; IC 20-30-2;~~
 42 (C) required curriculum and curricular materials;



- 1 (D) teacher certification requirements; and
 2 (E) physical facility requirements.
- 3 SECTION 18. IC 20-32-8.5-2, AS AMENDED BY P.L.245-2023,
 4 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2024]: Sec. 2. (a) Except as provided in subsection (b) or (c),
 6 the plan required by this chapter must include the following:
- 7 (1) Reading skill standards for grade 1 through grade 3.
 8 **(2) A review of the reading skills of each student in grade 2,**
 9 **including a review of any:**
 10 **(A) benchmark, formative, interim, or similar assessment**
 11 **results, as applicable; and**
 12 **(B) other information the department determines is**
 13 **relevant;**
 14 **to determine whether the student's reading skills are below**
 15 **the standard.**
 16 **(3) Implementation of remedial action that occurs before the**
 17 **student enters grade 3 for each student described in**
 18 **subdivision (2) whose reading skills are below the standard.**
 19 ~~(2)~~ **(4)** An emphasis on a method for making determinant
 20 evaluations by grade 3 that might require remedial action for the
 21 student, including retention as a last resort, after other methods of
 22 remediation have been evaluated or used, or both, if reading skills
 23 are below the standard. Appropriate consultation with parents or
 24 guardians must be part of the plan.
 25 ~~(3)~~ **(5)** Requirements for a public school maintained by a school
 26 corporation in which fewer than seventy percent (70%) of
 27 students of the school achieved a valid passing score on the
 28 determinant evaluation of reading skills approved by the state
 29 board. The requirements for the public schools described in this
 30 subdivision must include the following:
 31 (A) Use of curriculum that is:
 32 (i) based on the science of reading; and
 33 (ii) approved by the department.
 34 (B) Employment of an instructional coach trained in the
 35 science of reading.
 36 (C) Administration of the determinant evaluation of reading
 37 skills approved by the state board to students in grade 2.
 38 (D) Use of only benchmark, formative, interim, or similar
 39 assessments that:
 40 (i) show alignment with Indiana's academic standards; and
 41 (ii) are approved by the department.
 42 ~~(4)~~ **(6)** The fiscal impact of each component of the plan, if any. In



1 determining whether a component has a fiscal impact,
 2 consideration shall be given to whether the component will
 3 increase costs to the state or a school corporation or require the
 4 state or school corporation to reallocate resources.

5 (b) For a charter school, as defined in IC 20-24-1-4, a plan may
 6 include only the following:

7 **(1) The review of reading skills and implementation of**
 8 **remedial action as described in subsection (a)(2) and (a)(3).**

9 ~~(+)~~ **(2) A method for making determinant evaluations of reading**
 10 **skills by grade 3.**

11 ~~(-)~~ **(3) Retention as a last resort for students reading below grade**
 12 **level as measured by the evaluation or assessment.**

13 (c) This subsection applies to a public school that is not a charter
 14 school. A school corporation may receive a waiver of the requirements
 15 provided in 511 IAC 6.2-3.1-4(a)(2) if the state board approves an
 16 alternative reading plan provided by the school corporation.

17 SECTION 19. IC 20-32-8.5-3.5 IS ADDED TO THE INDIANA
 18 CODE AS A NEW SECTION TO READ AS FOLLOWS
 19 [EFFECTIVE UPON PASSAGE]: **Sec. 3.5. (a) Beginning with the**
 20 **2023-2024 school year, each public school, including a charter**
 21 **school, and state accredited nonpublic school shall submit a report**
 22 **to the department, by a date and in a manner and form prescribed**
 23 **by the department, that includes the following information:**

24 **(1) The number of students who attend the public school or**
 25 **state accredited nonpublic school whose reading skills were**
 26 **determined to be below the standard on the reading skills**
 27 **evaluation administered under section 2 of this chapter.**

28 **(2) Information regarding each student described in**
 29 **subdivision (1) that includes the following:**

30 **(A) A determination by the school regarding the reasons**
 31 **why the student's reading skills are below the standard.**

32 **(B) Particular challenges for the student, including:**

33 **(i) whether the student has been placed in an English as**
 34 **a second language program;**

35 **(ii) whether the student has an individualized education**
 36 **program, service plan developed under 511 IAC 7-34,**
 37 **choice special, education plan developed under 511**
 38 **IAC 7-49, or plan developed under Section 504 of the**
 39 **federal Rehabilitation Act of 1973, 29 U.S.C. 794; and**

40 **(iii) whether the student has intellectual, behavioral, or**
 41 **health challenges.**

42 **(C) The number of days the student was absent during the**



- 1 school year.
- 2 (D) Any disciplinary action taken with regard to the
- 3 student during the school year.
- 4 (3) Any other information the department determines is
- 5 relevant.
- 6 (b) Not later than September 1 of each year, the department
- 7 shall do the following:
- 8 (1) Prepare a report that includes:
- 9 (A) a summary of the information provided by schools
- 10 under subsection (a); and
- 11 (B) a list of schools, if any, that did not provide the
- 12 information to the department as required under
- 13 subsection (a).
- 14 (2) Submit the report to the following:
- 15 (A) The governor.
- 16 (B) The general assembly in an electronic format under
- 17 IC 5-14-6.
- 18 (c) Nothing in this section may be construed to require a school
- 19 or the department to violate any state or federal privacy laws.
- 20 (d) This section expires July 1, 2026.
- 21 SECTION 20. IC 20-33-2-19, AS AMENDED BY P.L.226-2019,
- 22 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 23 JULY 1, 2024]: Sec. 19. (a) When the parent of a student who is
- 24 enrolled in a public school makes a written request, the principal may
- 25 allow the student to attend a school for religious instruction that is
- 26 conducted by a church, an association of churches, or an association
- 27 that is organized for religious instruction and incorporated under
- 28 Indiana law.
- 29 (b) If a principal grants permission under subsection (a), the
- 30 principal shall specify a period or periods, not to exceed one hundred
- 31 twenty (120) minutes in total in any week, for the student to receive
- 32 religious instruction. The permission is valid only for the year in which
- 33 it is granted. Decisions made by a principal under this section may be
- 34 reviewed by the superintendent.
- 35 (c) A school for religious instruction that receives students under
- 36 this section:
- 37 (1) shall maintain attendance records and allow inspection of
- 38 these records by attendance officers; and
- 39 (2) may not be supported, in whole or in part, by public funds.
- 40 (d) A student who attends a school for religious instruction under
- 41 this section shall receive the same attendance credit that the student
- 42 would receive for attendance in the public schools for the same length



1 of time.

2 (e) A public secondary school may award academic credit to a
3 student who attends religious instruction under this section if the
4 governing body of the school corporation adopts a policy that allows
5 the awarding of credit. A policy adopted under this subsection must
6 provide the following:

7 (1) Classes in religious instruction are evaluated on the basis of
8 purely secular criteria in substantially the same manner as similar
9 classes taken by a student at a nonpublic secondary school who
10 transfers to a public secondary school are evaluated to determine
11 whether the student receives transfer credit for the classes.
12 Secular criteria may include the following in addition to other
13 secular criteria established by the governing body:

14 (A) The number of hours of classroom instructional time.

15 (B) A review of the course syllabus that reflects the course
16 requirements and materials.

17 (C) Methods of assessment used in the course.

18 (D) Whether the course is taught by a licensed teacher.

19 (2) The decision of whether to award academic credit is neutral
20 as to, and does not involve any test for, religious content or
21 denominational affiliation.

22 (3) A provision that a student who attends religious instruction
23 under this section shall first seek to use a time period during a
24 student instructional day (as defined in IC 20-30-2-2) that is not
25 devoted to student instructional time to attend religious
26 instruction. If a student is not able to attend religious instruction
27 at a time other than during student instructional time, the student
28 may not be released to attend religious instruction for an amount
29 of time per week that exceeds the amount established in
30 subsection (b).

31 A student may be awarded a total of not more than two (2) elective
32 academic credits under this subsection.

33 SECTION 21. IC 20-43-1-14, AS ADDED BY P.L.2-2006,
34 SECTION 166, IS AMENDED TO READ AS FOLLOWS
35 [EFFECTIVE JULY 1, 2024]: Sec. 14. "Full-time equivalency" refers
36 to the ~~amount~~ **amounts** determined under IC 20-43-4-6.

37 SECTION 22. IC 20-43-4-6, AS AMENDED BY P.L.155-2020,
38 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
39 JULY 1, 2024]: Sec. 6. (a) In determining ADM, each pupil enrolled
40 in a public school, including a charter school, and a nonpublic school
41 is to be counted on a full-time equivalency basis if the pupil:

42 (1) is enrolled in a public school and a nonpublic school;



- 1 (2) has legal settlement in a school corporation; and
 2 (3) receives instructional services from a school corporation.
 3 (b) For purposes of this section, full-time equivalency is calculated
 4 as follows:
 5 **(1) For students in grades 1 through 6, as follows:**
 6 STEP ONE: Determine the result of:
 7 (A) the number of ~~days~~ **minutes** instructional services will
 8 be provided to the pupil, not to exceed ~~one hundred eighty~~
 9 ~~(180);~~ **fifty-four thousand (54,000) minutes;** divided by
 10 (B) ~~one hundred eighty (180);~~ **fifty-four thousand (54,000).**
 11 STEP TWO: Determine the result of:
 12 (A) the pupil's public school instructional time (as defined
 13 in IC 20-30-2-1); divided by
 14 (B) the actual public school regular instructional day (as
 15 defined in IC 20-30-2-2);
 16 STEP THREE: Determine the result of:
 17 (A) the STEP ONE result; multiplied by
 18 (B) the STEP TWO result.
 19 STEP FOUR: **TWO:** Determine the lesser of one (1) or the
 20 result of:
 21 (A) the STEP THREE ONE result; multiplied by
 22 (B) one and five-hundredths (1.05).
 23 **(2) For students in grades 7 through 12, as follows:**
 24 **STEP ONE: Determine the result of:**
 25 **(A) the number of minutes instructional services will be**
 26 **provided to the pupil, not to exceed sixty-four thousand**
 27 **eight hundred (64,800) minutes; divided by**
 28 **(B) sixty-four thousand eight hundred (64,800).**
 29 **STEP TWO: Determine the lesser of one (1) or the result**
 30 **of:**
 31 **(A) the STEP ONE result; multiplied by**
 32 **(B) one and five-hundredths (1.05).**
 33 However, the state board may, by rules adopted under IC 4-22-2,
 34 specify an equivalent formula if the state board determines that the
 35 equivalent formula would more accurately reflect the instructional
 36 services provided by a school corporation during a period that a
 37 particular ADM count is in effect for the school corporation.
 38 **SECTION 23. An emergency is declared for this act.**

