



Reprinted
January 30, 2024

SENATE BILL No. 212

DIGEST OF SB 212 (Updated January 29, 2024 2:40 pm - DI 154)

Citations Affected: IC 20-21; IC 20-22; IC 20-26; IC 20-28; IC 20-32; IC 20-43; IC 20-52.

Synopsis: Various education matters. Provides that the Indiana school for the blind and visually impaired board shall give preference to a candidate for the chief executive officer position who meets the qualifications for an Indiana teacher's certificate in the area of visual impairment disabilities, but shall not require a candidate for the chief executive officer position to meet the qualifications for an Indiana teacher's certificate in the area of visual impairment disabilities. Provides that, subject to approval by the Indiana school for the deaf board, the Indiana school for the deaf may partner with an existing nonprofit corporation to benefit the purposes of the school. Provides that the public meeting that must be held before a contract for employment is entered into by a governing body and a school superintendent may take place at a regular or special meeting of the governing body and does not have to happen at least seven days before the contract is entered into. Prohibits a teacher preparation program from using curriculum or content that is based on the three-cueing model. Provides that if only one new member is elected to the board of the governing body, a governing body may enter into a contract with a superintendent after the election. Amends the student learning recovering grant program and fund. Repeals the primetime program. Requires the department of education to establish criteria for determining whether a credential qualifies as a micro-credential. Amends the Indiana student enrichment grant program. Repeals provisions regarding the primetime program.

Effective: Upon passage; July 1, 2024.

Raatz, Rogers

January 9, 2024, read first time and referred to Committee on Education and Career Development.
January 25, 2024, amended, reported favorably — Do Pass.
January 29, 2024, read second time, amended, ordered engrossed.

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Reprinted
January 30, 2024

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. 212

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 20-21-2-4, AS AMENDED BY P.L.100-2012,
2 SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2024]: Sec. 4. (a) The board shall appoint the chief executive
4 officer, subject to the approval of the governor. The executive serves
5 at the pleasure of the board.
6 (b) The executive appointee must have the following qualifications:
7 (1) Be an educator with knowledge, skill, and ability in the
8 appointee's profession.
9 (2) Have at least five (5) years experience in instruction of
10 students with visual impairment disabilities.
11 (3) Have a master's degree or a higher degree.
12 ~~(4) Meet the qualifications for an Indiana teacher's certificate in~~
13 ~~the area of visual impairment disabilities.~~
14 ~~(5) (4) Have at least five (5) years experience supervising other~~
15 ~~individuals.~~
16 **(c) The board shall give preference to a candidate for the chief**
17 **executive officer position who meets the qualifications for an**

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1 **Indiana teacher's certificate in the area of visual impairment**
 2 **disabilities. However, the board may not require a candidate for**
 3 **the chief executive officer position to meet the qualifications for an**
 4 **Indiana teacher's certificate in the area of visual impairment**
 5 **disabilities.**

6 SECTION 2. IC 20-22-3-12 IS ADDED TO THE INDIANA CODE
 7 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
 8 UPON PASSAGE]: **Sec. 12. Subject to the approval of the board,**
 9 **the school may partner with an existing nonprofit corporation that**
 10 **is exempt from federal income taxation under Section 501(c)(3) of**
 11 **the Internal Revenue Code to benefit the purposes of the school,**
 12 **which may include, but is not limited to, the following actions by**
 13 **the nonprofit corporation:**

- 14 (1) **Soliciting and accepting private sector funding, gifts,**
 15 **donations, bequests, devises, and contributions.**
 16 (2) **Promoting public awareness of and support for the**
 17 **purposes of the school.**
 18 (3) **Enhancing the academic, social, and cultural opportunities**
 19 **for students of the school and Indiana children who are deaf**
 20 **or have a hearing disability.**
 21 (4) **Providing outreach and engagement activities to school**
 22 **alumni.**

23 SECTION 3. IC 20-26-5-4.3, AS ADDED BY P.L.148-2012,
 24 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2024]: Sec. 4.3. (a) **At least seven (7) days** Before a contract
 26 for employment is entered into by a governing body and a school
 27 superintendent, the governing body shall hold a public meeting on the
 28 proposed contract at which public comment is heard. **The public**
 29 **meeting may be a regular or special meeting of the governing body.**
 30 The governing body is not required to disclose the identity of the
 31 candidate for superintendent at the public meeting.

32 (b) Notice of the meeting on the proposed contract shall be given in
 33 accordance with IC 5-3-1 and posted on the school corporation's
 34 Internet web site.

35 (c) The notice provided in subsection (b) must:

- 36 (1) state that on a given day, time, and place the governing body
 37 will meet to discuss and hear objections to and support for the
 38 proposed contract; and
 39 (2) set forth the details of the proposed contract, including the
 40 actual monetary value of the contract, benefits, and any additional
 41 forms of compensation for each year of the contract.

42 (d) A governing body shall post the provisions of an employment



1 contract that the governing body enters into with a superintendent of
2 the school corporation on the school corporation's Internet web site.

3 SECTION 4. IC 20-28-3-3.1, AS ADDED BY P.L.243-2023,
4 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2024]: Sec. 3.1. (a) As used in this section, "teacher
6 candidate" means an individual recommended for an initial teaching
7 license from a teacher preparation program located in Indiana.

8 (b) As used in this section, "teacher preparation program" includes
9 the following:

- 10 (1) A teacher education school or department.
- 11 (2) A transition to teaching program under IC 20-28-4.
- 12 (3) Any other entity approved by the department to offer a course
13 of study leading to an initial teaching license.

14 (c) As used in this section, "three-cueing model" refers to the
15 three-cueing model of reading:

- 16 (1) that uses visual memory as the primary basis for teaching
17 word recognition; or
- 18 (2) that is based on meaning, structure and syntax, and visual
19 cues.

20 ~~(c)~~ (d) The department shall develop guidelines requiring accredited
21 teacher preparation programs to use curriculum or content that instructs
22 teacher candidates on the science of reading.

23 (e) A teacher preparation program shall not use curriculum or
24 content that is based on the three-cueing model.

25 ~~(d)~~ (f) Beginning July 1, 2024, the department shall conduct a
26 review of accredited teacher preparation programs for alignment with
27 the requirements of ~~subsection (c)~~: **subsections (d) and (e)**.

28 ~~(e)~~ (g) Upon review by the department under subsection ~~(d)~~; (f), an
29 accredited teacher preparation program that is not in alignment with the
30 requirements of ~~subsection (c)~~ **subsections (d) and (e)** shall be
31 submitted for a referral under section 1(l) of this chapter.

32 ~~(f)~~ (h) If an accredited teacher preparation program:

- 33 (1) has been submitted for a referral under subsection ~~(e)~~; (g); and
- 34 (2) fails to meet the criteria of the improvement plan developed
35 under section 1(l) of this chapter;

36 the department shall revoke the teacher preparation program's right to
37 use the word "accredited".

38 SECTION 5. IC 20-28-8-6, AS AMENDED BY P.L.155-2020,
39 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 JULY 1, 2024]: Sec. 6. (a) A contract entered into by a governing body
41 and its superintendent is subject to the following conditions:

- 42 (1) If the superintendent holds a license under IC 20-28-5, the



- 1 basic contract must be in the form of the regular teacher's
 2 contract.
- 3 (2) The contract may be altered or rescinded for a new one at any
 4 time by mutual consent of the governing body and the
 5 superintendent. The consent of both parties must be in writing and
 6 must be expressed in a manner consistent with this section and
 7 section 7 of this chapter.
- 8 (3) If the superintendent holds a license under IC 20-28-5, the
 9 rights of a superintendent as a teacher under any other law are not
 10 affected by the contract. However, if a right of a superintendent
 11 as a teacher under any other law conflicts with the conditions
 12 under subsection (b), subsection (b) governs.
- 13 (4) For a contract entered into or renewed after June 30, 2017, the
 14 conditions set forth under subsection (b).
- 15 (b) This subsection applies to contracts entered into or renewed after
 16 June 30, 2017. A contract entered into by a governing body and its
 17 superintendent is subject to the following conditions:
- 18 (1) The contract must be for a term of at least one (1) year and not
 19 more than three (3) years. However, a contract may be extended
 20 for not more than an additional five (5) years beyond the term of
 21 the original contract.
- 22 (2) If the contract contains a provision that establishes an amount
 23 the governing body must pay to the superintendent to buy out the
 24 contract, the amount may not be more than an amount equal to the
 25 lesser of:
- 26 (A) the superintendent's salary for any one (1) year under the
 27 contract; or
- 28 (B) two hundred fifty thousand dollars (\$250,000).
- 29 A superintendent's salary under clause (A) does not include
 30 benefits or any other forms of compensation that the
 31 superintendent receives as payment under the contract other than
 32 the superintendent's salary.
- 33 (c) This subsection applies to a governing body in which at least ~~one~~
 34 ~~(1) member is two~~ **(2) members are** elected. After June 30, 2021, a
 35 governing body may not enter into a contract with a superintendent
 36 under this section on or after the date of the election for ~~one (1)~~ **two (2)**
 37 or more members of the governing body until January 1 of the year
 38 immediately following the year of the election. However, this
 39 subsection does not apply if:
- 40 (1) the membership of the governing body does not change as a
 41 result of the particular election; or
- 42 (2) **only one (1) new member is elected to the governing body.**



1 SECTION 6. IC 20-32-3-0.5 IS ADDED TO THE INDIANA CODE
 2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 3 1, 2024]: **Sec. 0.5. As used in this chapter, "micro-credential"**
 4 **means a credential that:**

- 5 (1) can be stacked; and
 6 (2) leads to a verified credential that allows students to
 7 successfully demonstrate competencies critical to success in:
 8 (A) postsecondary enrollment;
 9 (B) employment; or
 10 (C) enlistment in the armed forces of the United States.

11 SECTION 7. IC 20-32-3-10.5 IS ADDED TO THE INDIANA
 12 CODE AS A NEW SECTION TO READ AS FOLLOWS
 13 [EFFECTIVE JULY 1, 2024]: **Sec. 10.5. The department shall**
 14 **establish criteria for determining whether a credential qualifies as**
 15 **a micro-credential.**

16 SECTION 8. IC 20-32-8.7-5, AS AMENDED BY P.L.171-2023,
 17 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2024]: **Sec. 5. (a) The student learning recovery grant program**
 19 **is established to provide grants to an eligible entity for the purpose of**
 20 **providing recovery learning and remediation to students in**
 21 **kindergarten through grade 12 who:**

- 22 (1) have experienced learning loss;
 23 (2) have fallen behind in acquiring anticipated grade level
 24 academic skills and knowledge;
 25 (3) have scored below academic standards or average
 26 benchmarks; or
 27 (4) are at risk of falling below academic standards.

28 **due to the disruption in student education caused by the coronavirus**
 29 **disease (COVID-19) pandemic and insufficient instructional**
 30 **alternatives.**

31 (b) The department shall administer the program.

32 (c) The department may award grants to eligible entities under the
 33 program. **in state fiscal year 2024 and state fiscal year 2025 from funds**
 34 **appropriated during the 2021 regular session of the Indiana general**
 35 **assembly that have not been obligated.**

36 SECTION 9. IC 20-32-8.7-7, AS AMENDED BY P.L.171-2023,
 37 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2024]: **Sec. 7. (a) To be eligible to receive a grant under this**
 39 **chapter, an eligible entity must do the following:**

- 40 (1) Apply on a form and in a manner established by the
 41 department.
 42 (2) Apply by a date established by the department.



1 (3) Develop and submit to the department a student learning
 2 recovery plan that meets the requirements in section 8 of this
 3 chapter and any other requirements established by the department.
 4 ~~including a requirement that a school corporation or charter~~
 5 ~~school identified in the plan provide a matching grant in an~~
 6 ~~amount determined by the department.~~

7 (4) Specify the amount requested in the student learning recovery
 8 plan submitted by the eligible entity under subdivision (3).

9 ~~(b) If a school corporation or charter school is required to provide~~
 10 ~~a matching grant as part of a student learning recovery plan, the~~
 11 ~~matching grant may only consist of federal funds received by the~~
 12 ~~school corporation or charter school.~~

13 SECTION 10. IC 20-32-8.7-8, AS AMENDED BY P.L.216-2021,
 14 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2024]: Sec. 8. (a) To be eligible to receive a grant under this
 16 chapter, an eligible entity must develop and submit to the department
 17 a student learning recovery plan to provide recovery learning to
 18 students of the eligible entity described in section 5(a) of this chapter.

19 (b) A plan developed under subsection (a) must do the following:

20 (1) Address learning loss associated with the purpose of the
 21 program described in section 5(a) of this chapter.

22 (2) Identify metrics to measure learning recovery under the
 23 program as well as the proposed measurable and specific
 24 improvements to be made to demonstrate learning recovery.

25 (3) Provide for recovery learning to be offered in an in person
 26 setting, and may not offer recovery learning in a virtual setting.

27 ~~(4) Include requirements that if the eligible entity receives any~~
 28 ~~federal grants or money for a similar purpose in which the eligible~~
 29 ~~entity is requesting a grant under this chapter, the eligible entity~~
 30 ~~must use the federal grant or money before using any grant money~~
 31 ~~awarded by the department under section 9 of this chapter.~~

32 SECTION 11. IC 20-32-8.7-13, AS AMENDED BY P.L.171-2023,
 33 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2024]: Sec. 13. (a) Not later than July 1, 2023, ~~and July 1,~~
 35 ~~2024, of each year,~~ the department shall prepare an annual report that
 36 includes the following:

37 (1) A list of all of the eligible entities that participated in the
 38 program.

39 (2) The amount of the grant awarded to each participating eligible
 40 entity.

41 (3) The total amount of grants awarded under this chapter.

42 (b) The department shall submit the report described in subsection



1 (a) to the:

2 (1) governor; and

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

4 SECTION 12. IC 20-32-8.7-15 IS REPEALED [EFFECTIVE JULY
5 1, 2024]. ~~Sec. 15: There is appropriated to the fund one hundred fifty~~
6 ~~million dollars (\$150,000,000) from the state general fund for the~~
7 ~~purposes of providing grants under this chapter for the state fiscal year~~
8 ~~beginning July 1, 2020, and ending June 30, 2021. Funds appropriated~~
9 ~~under this section do not revert to the state general fund and remain~~
10 ~~available to be spent for purposes of the program.~~

11 SECTION 13. IC 20-32-8.7-16 IS REPEALED [EFFECTIVE JULY
12 1, 2024]. ~~Sec. 16: This chapter expires July 1, 2025.~~

13 SECTION 14. IC 20-43-1-22 IS REPEALED [EFFECTIVE JULY
14 1, 2024]. ~~Sec. 22: "Primetime program" refers to the program~~
15 ~~established under IC 20-43-9-1.~~

16 SECTION 15. IC 20-43-9 IS REPEALED [EFFECTIVE JULY 1,
17 2024]. (Primetime Program).

18 SECTION 16. IC 20-52-3-3, AS ADDED BY P.L.168-2022,
19 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20 JULY 1, 2024]: Sec. 3. (a) To be considered an enrichment student, the
21 student must at a minimum:

22 (1) have experienced learning loss;

23 (2) have fallen behind in acquiring anticipated grade level
24 academic skills and knowledge;

25 (3) have scored below academic standards or average
26 benchmarks; or

27 (4) be at risk of falling below academic standards.

28 However, the department may establish more stringent criteria for
29 determining eligibility for a grant under this article.

30 (b) For each school year, the department shall determine, based on
31 the amount of funds available for the program, the number of grants
32 that the department will award under the program. The number of
33 applications approved and the number of grants awarded under this
34 article by the department for the school year may not exceed the
35 number determined by the department under this section.

36 (c) ~~Only federal funds may be used to award grants under this~~
37 ~~article. A grant may not be made under this article after funds received~~
38 ~~by the department from the Elementary and Secondary School~~
39 ~~Emergency Relief Fund (ESSER fund) are exhausted.~~

40 SECTION 17. IC 20-52-4-2, AS AMENDED BY P.L.171-2023,
41 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 JULY 1, 2024]: Sec. 2. (a) An enrichment student who currently



1 maintains an account is entitled to a grant amount, the amount of which
2 shall be subject to available funding and determined by the department.
3 The department shall deposit the enrichment grant amount under this
4 section into an enrichment student's account in a manner established by
5 the department.

6 (b) Except as provided in subsection (c), at the end of the year in
7 which an account is established, the parent of an enrichment student
8 may roll over for use in a subsequent year the amount available in the
9 enrichment student's account.

10 (c) **The department shall determine conditions under which** an
11 enrichment student's account shall terminate. ~~October 1, 2024.~~

12 SECTION 18. IC 20-52-7 IS REPEALED [EFFECTIVE JULY 1,
13 2024]. (Expiration).

14 SECTION 19. **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. 212, 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 2, delete lines 6 through 40, begin a new paragraph and insert:

"SECTION 2. IC 20-22-3-12 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. Subject to the approval of the board, the school may partner with an existing nonprofit corporation that is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code to benefit the purposes of the school, which may include, but is not limited to, the following actions by the nonprofit corporation:**

- (1) Soliciting and accepting private sector funding, gifts, donations, bequests, devises, and contributions.**
- (2) Promoting public awareness of and support for the purposes of the school.**
- (3) Enhancing the academic, social, and cultural opportunities for students of the school and Indiana children who are deaf or have a hearing disability.**
- (4) Providing outreach and engagement activities to school alumni."**

Page 8, after line 31, begin a new paragraph and insert:

"SECTION 19. **An emergency is declared for this act.**"

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 212 as introduced.)

RAATZ, Chairperson

Committee Vote: Yeas 10, Nays 0.

 SENATE MOTION

Madam President: I move that Senate Bill 212 be amended to read as follows:

Page 2, line 25, strike "At least seven (7) days".

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Page 2, line 25, delete "before" and insert "Before".
(Reference is to SB 212 as printed January 26, 2024.)

RAATZ

