



January 21, 2022

SENATE BILL No. 290

DIGEST OF SB 290 (Updated January 20, 2022 11:54 am - DI 129)

Citations Affected: IC 20-19; IC 20-30; IC 20-43; noncode.

Synopsis: Various education matters. Requires the department of education (department) to establish a career coaching pilot program to award grants to school corporations to establish career coaching programs for students of the school corporation. Beginning July 1, 2022, requires the department to annually submit a report to the general assembly in an electronic format that provides certain information concerning high school graduation waiver rates and graduation pathways and to post the report on the department's Internet web site. Provides that, if the total amount of state tuition support that a school corporation receives or will receive during a school year decreases under the student instructional day reduction of tuition support provision by an amount that is equal to or more than \$250,000 from the amount the school corporation would otherwise be eligible to receive during the school year, the budget committee shall review the amount of and the reason for the decrease before the implementation of the decrease. Provides that, if an adjustment by the state board of education (state board) of the count of enrolled eligible pupils for one or more school corporations would increase or decrease the total distribution of
(Continued next page)

Effective: Upon passage; July 1, 2021 (retroactive); July 1, 2022.

Raatz, Kruse

January 10, 2022, read first time and referred to Committee on Appropriations.
January 20, 2022, amended, reported favorably — Do Pass.

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Digest Continued

state tuition support in an amount that is equal to or more than \$250,000, the adjustment must be reviewed by the budget committee before the state board may adjust the enrollment count. Provides that, if the state board determines that extreme patterns of certain conditions on the count day or the subsequent adjustment date cause the enrollment to be unrepresentative of the enrollment of one or more school corporations by a count of eligible pupils that would increase or decrease the total distribution of state tuition support in an amount that is equal to or more than \$250,000 as a result of changing the count day, the state board may designate another day for determining the enrollment of the one or more school corporations after review by the budget committee. (Current law allows the state board to designate another day for determining a school corporation's enrollment if the state board determines that extreme patterns of certain conditions on the count day or the subsequent adjustment date cause the enrollment to be unrepresentative of the school corporation's enrollment.) Provides that the state board shall assign to a school or school corporation (including adult high schools) a "null" or "no letter grade" for the 2021-2022 school year.

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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. 290

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 20-19-3-25 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2022]: **Sec. 25. (a) The department shall establish a career
4 coaching pilot program to award grants to school corporations to
5 establish career coaching programs for students of the school
6 corporation.**
7 **(b) The department shall do the following:**
8 **(1) Establish requirements for participation in the pilot
9 program.**
10 **(2) Select school corporations to participate in the pilot
11 program.**
12 **(3) Determine the amount of and award grants to school
13 corporations under the pilot program.**
14 **(4) Collect information regarding the career coaching
15 programs implemented by the school corporations**

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1 participating in the pilot program.

2 (5) Collect information from the following individuals or
3 entities participating in the career coaching pilot program:

4 (A) Counselors.

5 (B) Third party vendors.

6 (C) Any other appropriate individuals or entities, as
7 determined by the department.

8 (c) The department shall require that career coaching programs
9 implemented by a school corporation use:

10 (1) a counselor employed by the school corporation;

11 (2) a third party vendor that provides career coaching
12 services; or

13 (3) both counselors and third party vendors.

14 However, at least one (1) school corporation shall use a third party
15 vendor that provides career coaching services, instead of or in
16 addition to a counselor employed by a school corporation, in the
17 school corporation's career coaching program.

18 (d) Not later than November 1, 2022, and not later than
19 November 1, each year thereafter, the department shall prepare
20 and submit to the legislative council in an electronic format under
21 IC 5-14-6 a report that provides information concerning the pilot
22 program.

23 (e) This section expires July 1, 2025.

24 SECTION 2. IC 20-19-3-25.5 IS ADDED TO THE INDIANA
25 CODE AS A NEW SECTION TO READ AS FOLLOWS
26 [EFFECTIVE UPON PASSAGE]: **Sec. 25.5.** Before July 1, 2022, and
27 before July 1 of each year thereafter, the department shall submit
28 a report to the general assembly in an electronic format under
29 IC 5-14-6 that provides the following information based on the
30 previous five (5) year period:

31 (1) The graduation waiver rate of each:

32 (A) secondary school within a school corporation; and

33 (B) charter high school.

34 (2) The:

35 (A) particular graduation pathways that each secondary
36 school within a school corporation and each charter high
37 school use; and

38 (B) percentage of students who graduated with each
39 particular graduation pathway.

40 The department shall also post the report described in this section
41 on the department's Internet web site.

42 SECTION 3. IC 20-30-2-4, AS ADDED BY P.L.1-2005, SECTION



1 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 2 2022]: Sec. 4. (a) If a school corporation fails to conduct the minimum
 3 number of student instructional days during a school year as required
 4 under section 3 of this chapter, the department shall reduce the August
 5 tuition support distribution to that school corporation for a school year
 6 by an amount determined as follows:

7 STEP ONE: Determine the remainder of:

8 (A) the amount of the total tuition support allocated to the
 9 school corporation for the particular school year; minus

10 (B) that part of the total tuition support allocated to the school
 11 corporation for that school year with respect to student
 12 instructional days one hundred seventy-six (176) through one
 13 hundred eighty (180).

14 STEP TWO: Subtract the number of student instructional days
 15 that the school corporation conducted from one hundred eighty
 16 (180).

17 STEP THREE: Determine the lesser of five (5) or the remainder
 18 determined under STEP TWO.

19 STEP FOUR: Divide the amount subtracted under STEP ONE(B)
 20 by five (5).

21 STEP FIVE: Multiply the quotient determined under STEP FOUR
 22 by the number determined under STEP THREE.

23 STEP SIX: Subtract the number determined under STEP THREE
 24 from the remainder determined under STEP TWO.

25 STEP SEVEN: Divide the remainder determined under STEP
 26 ONE by one hundred seventy-five (175).

27 STEP EIGHT: Multiply the quotient determined under STEP
 28 SEVEN by the remainder determined under STEP SIX.

29 STEP NINE: Add the product determined under STEP FIVE to
 30 the product determined under STEP EIGHT.

31 **(b) If the total amount of state tuition support that a school**
 32 **corporation receives or will receive during a school year decreases**
 33 **under this section by an amount that is equal to or more than two**
 34 **hundred fifty thousand dollars (\$250,000) from the amount the**
 35 **school corporation would otherwise be eligible to receive during**
 36 **the school year as determined under IC 20-43, the budget**
 37 **committee shall review the amount of and the reason for the**
 38 **decrease before implementation of the decrease.**

39 SECTION 4. IC 20-43-3-7, AS AMENDED BY P.L.213-2015,
 40 SECTION 212, IS AMENDED TO READ AS FOLLOWS
 41 [EFFECTIVE JULY 1, 2022]: Sec. 7. (a) This section applies to
 42 distributions under this article that are computed in any part based on



1 a count of students under IC 20-43-4-2.

2 (b) If the state board subsequently adjusts under ~~IC 20-43-4-2~~
3 **IC 20-43-4-3.5** a count used for a distribution under this article, the
4 department shall adjust subsequent distributions to the school
5 corporation that are affected by the adjusted count, on the schedule
6 determined by the department, to reflect the differences between the
7 distribution that the school corporation received and the distribution
8 that the school corporation would have received if the adjusted count
9 had been used.

10 SECTION 5. IC 20-43-4-2, AS AMENDED BY P.L.165-2021,
11 SECTION 162, IS AMENDED TO READ AS FOLLOWS
12 [EFFECTIVE JULY 1, 2022]: Sec. 2. (a) **Subject to section 3.7 of this**
13 **chapter**, a school corporation's ADM is the number of eligible pupils
14 enrolled in:

- 15 (1) the school corporation; or
16 (2) a transferee corporation;

17 on the day fixed in September by the state board for a **fall** count of
18 students under section 3 of this chapter and, **if applicable**, as
19 subsequently adjusted ~~not later than the date specified under the rules~~
20 ~~adopted by the state board. The state board may adjust the school's~~
21 ~~count of eligible pupils if the state board determines that the count is~~
22 ~~unrepresentative of the school corporation's enrollment. In addition, a~~
23 ~~school corporation may petition the state board to make an adjusted~~
24 ~~count of students enrolled in the school corporation if the corporation~~
25 ~~has reason to believe that the count is unrepresentative of the school~~
26 ~~corporation's enrollment. In addition, under section 3.5 of this~~
27 **chapter.**

28 (b) **Subject to section 3.7 of this chapter**, a school corporation
29 shall determine the number of eligible pupils enrolled in:

- 30 (1) the school corporation; or
31 (2) a transferee corporation;

32 on the day fixed in February by the state board for a spring count of
33 students under section 3 of this chapter and, **if applicable**, as
34 subsequently adjusted under ~~this chapter or under rules adopted by the~~
35 ~~state board. section 3.5 of this chapter.~~

36 (b) (c) Each school corporation shall, before April 1 of each year,
37 provide to the department an estimate of the school corporation's ADM
38 that will result from the count of eligible pupils in the following
39 September. The department may update and adjust the estimate as
40 determined appropriate by the department. In each odd-numbered year,
41 the department shall provide the updated and adjusted estimate of the
42 school corporation's ADM to the legislative services agency before



1 April 10 of that year.

2 (e) (d) A new charter school shall submit an enrollment estimate to
 3 the department before April 1 of the year the new charter school will
 4 be open for enrollment. The department shall use the new charter
 5 school's enrollment estimate as the basis for the new charter school's
 6 distribution beginning in July and until actual ADM is available,
 7 subject to section 9 of this chapter. However, if the new charter school's
 8 enrollment estimate is greater than eighty percent (80%) of the new
 9 charter school's authorized enrollment cap, the department may use that
 10 enrollment estimate if the department has requested and reviewed other
 11 enrollment data that support that enrollment estimate. However, if the
 12 enrollment data requested and reviewed by the department does not
 13 support the enrollment estimate submitted by the new charter school,
 14 the department shall determine the estimated ADM based on the
 15 enrollment data requested and reviewed by the department. In each
 16 odd-numbered year, the department shall provide the new charter
 17 school's estimated ADM to the legislative services agency before April
 18 10 of that year.

19 SECTION 6. IC 20-43-4-3, AS AMENDED BY P.L.108-2019,
 20 SECTION 222, IS AMENDED TO READ AS FOLLOWS
 21 [EFFECTIVE JULY 1, 2022]: Sec. 3. (a) Subject to ~~subsection (b)~~;
 22 **section 3.7 of this chapter**, the state board shall make an ADM count
 23 of the eligible pupils enrolled in each school corporation two (2) times
 24 each school year, with one (1) count date occurring in each of the
 25 following periods:

- 26 (1) The fall count of ADM shall be made on a day during
 27 September fixed by the state board.
 28 (2) The spring count of ADM shall be made on a day during
 29 February fixed by the state board.

30 (b) ~~However, if extreme patterns of:~~

- 31 ~~(1) student in-migration;~~
 32 ~~(2) illness;~~
 33 ~~(3) natural disaster; or~~
 34 ~~(4) other unusual conditions in a particular school corporation's~~
 35 ~~enrollment;~~

36 ~~on either a count day fixed by the state board or the subsequent~~
 37 ~~adjustment date cause the enrollment to be unrepresentative of the~~
 38 ~~school corporation's enrollment, the state board may designate another~~
 39 ~~day for determining the school corporation's enrollment.~~

40 SECTION 7. IC 20-43-4-3.5 IS ADDED TO THE INDIANA CODE
 41 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 42 1, 2022]: Sec. 3.5. (a) The state board may adjust an enrollment



1 count of eligible pupils of one (1) or more school corporations
 2 under this section not later than a date established under the rules
 3 adopted by the state board.

4 (b) If the state board determines that an enrollment count of
 5 eligible pupils under section 2(a) or 2(b) of this chapter for one (1)
 6 or more school corporations is unrepresentative by a count that
 7 would increase or decrease the total distribution of state tuition
 8 support in an amount that is less than two hundred fifty thousand
 9 dollars (\$250,000), the state board may adjust the enrollment count
 10 for the one (1) or more school corporations.

11 (c) If the state board determines that an enrollment count of
 12 eligible pupils under section 2(a) or 2(b) of this chapter for one (1)
 13 or more school corporations is unrepresentative by a count that
 14 would increase or decrease the total distribution of state tuition
 15 support in an amount that is equal to or more than two hundred
 16 fifty thousand dollars (\$250,000), the state board may adjust the
 17 enrollment count for the one (1) or more school corporations after
 18 review by the budget committee.

19 (d) A school corporation may petition the state board to make
 20 an adjusted count of eligible pupils enrolled in the school
 21 corporation if the school corporation has reason to believe that the
 22 count is unrepresentative of the school corporation's enrollment.

23 SECTION 8. IC 20-43-4-3.7 IS ADDED TO THE INDIANA CODE
 24 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 25 1, 2022]: Sec. 3.7. (a) This section applies if the state board
 26 determines that extreme patterns of:

- 27 (1) student in-migration;
- 28 (2) illness;
- 29 (3) natural disaster; or
- 30 (4) other unusual conditions in a particular school
 31 corporation's enrollment;

32 on the count day established under section 3 of this chapter or the
 33 subsequent adjustment date established under section 3.5 of this
 34 chapter cause the enrollment count of eligible pupils to be
 35 unrepresentative of the enrollment of one (1) or more school
 36 corporations.

37 (b) If the state board determines that the:

- 38 (1) count day or subsequent adjustment date is
 39 unrepresentative of the enrollment of one (1) or more school
 40 corporations as described in subsection (a); and
- 41 (2) enrollment count of the one (1) or more school
 42 corporations described in subdivision (1) would be



1 **unrepresentative by a count that would increase or decrease**
 2 **the total distribution of state tuition support in an amount**
 3 **that is less than two hundred fifty thousand dollars (\$250,000)**
 4 **as a result of changing the count day;**
 5 **the state board may designate another day for determining the**
 6 **enrollment of the one (1) or more school corporations.**

7 **(c) If the state board determines that the:**

8 **(1) count day or subsequent adjustment date is**
 9 **unrepresentative of the enrollment of one (1) or more school**
 10 **corporations as described in subsection (a); and**

11 **(2) enrollment count of the one (1) or more school**
 12 **corporations described in subdivision (1) would be**
 13 **unrepresentative by a count that would increase or decrease**
 14 **the total distribution of state tuition support in an amount**
 15 **that is equal to or more than two hundred fifty thousand**
 16 **dollars (\$250,000) as a result of changing the count day;**

17 **the state board may designate another day for determining the**
 18 **enrollment of the one (1) or more school corporations after review**
 19 **by the budget committee.**

20 SECTION 9. IC 20-43-4-9, AS AMENDED BY P.L.108-2019,
 21 SECTION 224, IS AMENDED TO READ AS FOLLOWS
 22 [EFFECTIVE JULY 1, 2022]: Sec. 9. (a) Subject to subsections (b) and
 23 (c), this subsection applies to the calculation of state tuition support
 24 distributions that are based on the current ADM of a school
 25 corporation. The fall count of ADM, as adjusted by the state board
 26 under section ~~2~~ **3.5** of this chapter, shall be used to compute state
 27 tuition support distributions made in the first six (6) months of the
 28 current state fiscal year, and the spring count of ADM, as adjusted by
 29 the state board under section ~~2~~ **3.5** of this chapter, shall be used to
 30 compute state tuition support distributions made in the second six (6)
 31 months of the state fiscal year.

32 (b) This subsection applies to a school corporation that does not
 33 provide the estimates required by section ~~2(b)~~ **2(c)** of this chapter
 34 before the deadline. For monthly state tuition support distributions
 35 made before the count of ADM is finalized, the department shall
 36 determine the distribution amount for such a school corporation for a
 37 state fiscal year of the biennium, using data that were used by the
 38 general assembly in determining the state tuition support appropriation
 39 for the budget act for that state fiscal year. The department may adjust
 40 the data used under this subsection for errors.

41 (c) If the state board adjusts a count of ADM after a distribution is
 42 made under this article, the adjusted count retroactively applies to the



1 amount of state tuition support distributed to a school corporation
2 affected by the adjusted count. The department shall settle any
3 overpayment or underpayment of state tuition support resulting from
4 an adjusted count of ADM on the schedule determined by the
5 department and approved by the budget agency.

6 SECTION 10. [EFFECTIVE JULY 1, 2021 (RETROACTIVE)] (a)
7 **The definitions in IC 20 apply throughout this SECTION.**

8 (b) **Notwithstanding IC 20-31-8 and 511 IAC 6.2-10, the state**
9 **board shall assign to a school or school corporation a "null" or "no**
10 **letter grade" for the 2021-2022 school year. However, the most**
11 **recent results of the school's ILEARN assessment must be included**
12 **on the school's Internet web site.**

13 (c) **Notwithstanding IC 20-31-8 and 511 IAC 6.3-1, the state**
14 **board shall assign an adult high school a "null" or "no letter**
15 **grade" category for the 2021-2022 school year.**

16 (d) **This SECTION expires January 1, 2025.**

17 SECTION 11. **An emergency is declared for this act.**



COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill No. 290, 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, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 2. IC 20-19-3-25.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 25.5. Before July 1, 2022, and before July 1 of each year thereafter, the department shall submit a report to the general assembly in an electronic format under IC 5-14-6 that provides the following information based on the previous five (5) year period:**

- (1) The graduation waiver rate of each:**
 - (A) secondary school within a school corporation; and**
 - (B) charter high school.**
- (2) The:**
 - (A) particular graduation pathways that each secondary school within a school corporation and each charter high school use; and**
 - (B) percentage of students who graduated with each particular graduation pathway.**

The department shall also post the report described in this section on the department's Internet web site."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 290 as introduced.)

MISHLER, Chairperson

Committee Vote: Yeas 13, Nays 0.

