

# SENATE BILL No. 372

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 12-17.2-7.2; IC 20-19-3-23; IC 20-28-9-15; IC 20-30-2-2; IC 20-33-2-19; IC 20-43; IC 34-13-3.7.

**Synopsis:** Various education matters. Amends the definition of "eligible child" and "limited eligible child" for purposes of the early education grant pilot program. Establishes a definition of "virtual instruction" for purposes of determining a school corporation's basic tuition support using the average daily membership (ADM). Amends the instructional time requirements for not more than 18 student instructional days in a school year if half of the instructional time during the day is used for one or more of the following: (1) Teacher professional development. (2) Student planning. (3) Teacher collaboration efforts with other teachers, school administrators, or both. Provides that a school's or school corporation's category or designation of school or school corporation performance assigned by the state board of education for the 2020-2021 school year is the higher of the school's or school corporation's: (1) category or designation of school or school corporation performance assigned for the 2019-2020 school year; or (2) category or designation of school or school corporation performance for the 2020-2021 school year. Provides that consequences for school improvement do not apply for the 2020-2021 school year. Requires that every two years the department of education prepare and present to the budget committee an update on the status of the complexity index. Provides civil immunity for damages resulting from exposure of an individual to COVID-19 on school corporation property or at a school corporation sponsored activity.

**Effective:** Upon passage; March 1, 2020 (retroactive); July 1, 2020 (retroactive); July 1, 2021.

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January 12, 2021, read first time and referred to Committee on Education and Career Development.

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First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

## SENATE BILL No. 372

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 12-17.2-7.2-1, AS AMENDED BY P.L.268-2019,  
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2021]: Sec. 1. As used in this chapter, "eligible child" refers  
4 to an individual who:

- 5 (1) is at least four (4) years of age and less than five (5) years of  
6 age on August 1 of the state fiscal year for which a grant is sought  
7 under the prekindergarten pilot program;
- 8 (2) is a resident of Indiana or otherwise has legal settlement in  
9 Indiana, as determined under IC 20-26-11;
- 10 (3) is a member of a household with an annual income that does  
11 not exceed ~~one hundred twenty-seven percent (127%)~~ **two**  
12 **hundred percent (200%)** of the federal poverty level;
- 13 (4) receives qualified early education services from an eligible  
14 provider, as determined by the office;
- 15 (5) has a parent or guardian who participates in a parental  
16 engagement and involvement component provided by the eligible  
17 provider;



1 (6) has a parent or guardian who agrees to ensure that the child  
 2 meets the attendance requirements determined by the office; and  
 3 (7) meets the requirements under section 7.2(a) and 7.2(c) of this  
 4 chapter.

5 SECTION 2. IC 12-17.2-7.2-2.5, AS ADDED BY P.L.268-2019,  
 6 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 7 JULY 1, 2021]: Sec. 2.5. As used in this chapter, "limited eligibility  
 8 child" refers to an individual who:

- 9 (1) is at least four (4) years of age and less than five (5) years of  
 10 age on August 1 of the state fiscal year for which a grant is sought  
 11 under the prekindergarten pilot program;  
 12 (2) is a resident of Indiana or otherwise has legal settlement in  
 13 Indiana, as determined under IC 20-26-11;  
 14 (3) receives qualified early education services from an eligible  
 15 provider, as determined by the office;  
 16 (4) has a parent or guardian who agrees to ensure that the child  
 17 meets the attendance requirements determined by the office;  
 18 (5) has a parent or guardian who participates in a parental  
 19 engagement and involvement component provided by the eligible  
 20 provider;  
 21 (6) is a member of a household with an annual income that does  
 22 not exceed ~~one hundred eighty-five percent (185%)~~ **two hundred**  
 23 **percent (200%)** of the federal poverty level;  
 24 (7) meets the requirements of section 7.2(b) and 7.2(c) of this  
 25 chapter; and  
 26 (8) is not an eligible child.

27 SECTION 3. IC 12-17.2-7.2-7.2, AS AMENDED BY P.L.268-2019,  
 28 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29 JULY 1, 2021]: Sec. 7.2. (a) For an eligible child to qualify for a grant  
 30 under this chapter, the eligible child must reside with a parent or  
 31 guardian who is:

- 32 (1) working or attending a job training or an educational program;  
 33 or  
 34 (2) actively seeking employment, subject to the approval by the  
 35 United States Department of Health and Human Services as  
 36 provided in 45 CFR 98.21.

37 (b) For a limited eligibility child to qualify for a grant under this  
 38 chapter, the limited eligibility child must reside with a parent or  
 39 guardian who:

- 40 ~~(1) is working or attending a job training or an educational~~  
 41 ~~program;~~  
 42 ~~(2) is actively seeking employment, subject to the approval by the~~



1 United States Department of Health and Human Services as  
 2 provided in 45 CFR 98.21; or

3 **(1) does not meet the requirements under subsection (a); and**  
 4 ~~(3)~~ **(2)** receives Social Security Disability Insurance or  
 5 Supplemental Security Income benefits.

6 (c) Before the office may award a grant to an eligible or limited  
 7 eligibility child under this chapter, the office shall require that a parent  
 8 or guardian of the eligible or limited eligibility child agree to the  
 9 following:

10 (1) The eligible or limited eligibility child will attend the  
 11 prekindergarten program of an eligible provider selected by the  
 12 parent or guardian for the full duration of the prekindergarten  
 13 program year.

14 (2) The parent or guardian will not transfer to another  
 15 prekindergarten program during the prekindergarten program  
 16 year.

17 (3) The eligible or limited eligibility child will attend the  
 18 prekindergarten program at least eighty-five percent (85%) of the  
 19 days that the prekindergarten program is provided.

20 (4) The parent or guardian will allow the eligible or limited  
 21 eligibility child to participate in an external evaluation conducted  
 22 by researchers, including the kindergarten readiness assessment  
 23 and measuring of developmental and academic progress.

24 (5) The parent or guardian will participate in family engagement  
 25 and involvement activities offered by the selected prekindergarten  
 26 program, including meetings with the eligible or limited eligibility  
 27 child's teacher to discuss the eligible or limited eligibility child's  
 28 progress or any other conference concerning the eligible or  
 29 limited eligibility child that is requested by the eligible provider.

30 (6) The parent or guardian will complete the necessary forms for  
 31 the eligible child or limited eligibility child to receive a student  
 32 test number from the department of education.

33 (7) The parent or guardian will send the eligible or limited  
 34 eligibility child to kindergarten.

35 (8) The parent or guardian will read to the eligible or limited  
 36 eligibility child each week.

37 (9) Any other condition the office determines is appropriate.

38 (d) Priority may be given to an eligible or limited eligibility child  
 39 under this section if a parent or guardian of the eligible or limited  
 40 eligibility child is:

41 (1) involved in activities that improve the parent's or guardian's  
 42 education; or



- 1 (2) involved in job training.
- 2 SECTION 4. IC 20-19-3-23 IS ADDED TO THE INDIANA CODE  
3 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY  
4 1, 2021]: **Sec. 23. Not later than September 1, 2022, and not later**  
5 **the September 1 every two (2) years thereafter, the department**  
6 **shall prepare and present to the budget committee an update on**  
7 **the status of the complexity index determined under IC 20-43-13-4,**  
8 **including the following information:**
- 9 (1) **The total amount of funding distributed through the**  
10 **complexity index.**
- 11 (2) **A list of the school corporations that received an increase**  
12 **in complexity index funding during the previous two (2) years.**
- 13 (3) **A list of the school corporations that received a decrease**  
14 **in complexity index funding during the previous two (2) years.**
- 15 (4) **Any changes to the complexity index formula that the**  
16 **department recommends.**
- 17 SECTION 5. IC 20-28-9-15, AS ADDED BY P.L.1-2005,  
18 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
19 UPON PASSAGE]: Sec. 15. If during the term of the teacher's contract:  
20 (1) the school is closed by order of the:  
21 (A) school corporation; or  
22 (B) health authorities; or  
23 (2) school cannot be conducted through no fault of the teacher;  
24 the teacher shall receive regular payments during that time. If a  
25 canceled student instructional day (as ~~defined~~ **described** in  
26 IC 20-30-2-2) is rescheduled to comply with IC 20-30-2, each teacher  
27 and (notwithstanding IC 20-27-8-7) each school bus driver shall work  
28 on that rescheduled day without additional compensation.
- 29 SECTION 6. IC 20-30-2-2, AS AMENDED BY P.L.201-2013,  
30 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
31 UPON PASSAGE]: Sec. 2. (a) **Except as provided in subsection (e),**  
32 a student instructional day in grades 1 through 6 consists of at least five  
33 (5) hours of instructional time. Except as provided in subsection (b),  
34 (c), ~~or~~ (d), **or (f)**, a student instructional day in grades 7 through 12  
35 consists of at least six (6) hours of instructional time.
- 36 (b) Except as provided in subsection (c), an instructional day for a  
37 school flex program under section 2.2 of this chapter consists of a  
38 minimum of three (3) hours of instructional time.
- 39 (c) A student instructional day for a qualified high school (as  
40 defined in IC 20-24.2-1-3) consists of any amount of instructional time.
- 41 (d) A high school student who is enrolled in at least twelve (12)  
42 credit hours of on-campus dual credit courses (as described in



1 IC 21-43-1-2.5) is not required to comply with subsection (a) during  
 2 the semester in which the student is enrolled in at least twelve (12)  
 3 credit hours.

4 **(e) Subject to subsection (g), a student instructional day in**  
 5 **grades 1 through 6 may consist of two and one-half (2 1/2) hours of**  
 6 **instructional time if two and one-half (2 1/2) hours of the day are**  
 7 **used for one (1) or more of the following:**

8 **(1) Teacher professional development.**

9 **(2) Student planning.**

10 **(3) Teacher collaboration efforts with:**

11 **(A) other teachers;**

12 **(B) school administrators; or**

13 **(C) both other teachers and school administrators.**

14 **(f) Subject to subsection (g), a student instructional day in**  
 15 **grades 7 through 12 may consist of only three (3) hours of**  
 16 **instructional time if three (3) hours of the day are used for one (1)**  
 17 **or more of the following:**

18 **(1) Teacher professional development.**

19 **(2) Student planning.**

20 **(3) Teacher collaboration efforts with:**

21 **(A) other teachers;**

22 **(B) school administrators; or**

23 **(C) both other teachers and school administrators.**

24 **(g) A student instructional day described in subsection (e) or (f)**  
 25 **is considered a student instructional day for purposes of meeting**  
 26 **the instructional day requirements under section 3 of this chapter.**  
 27 **However, a school corporation may not conduct more than**  
 28 **eighteen (18):**

29 **(1) student instructional days described in subsection (e); and**

30 **(2) student instructional days described in subsection (f);**

31 **in a school year that count toward the one hundred eighty (180)**  
 32 **student instructional day requirement under section 3 of this**  
 33 **chapter.**

34 SECTION 7. IC 20-33-2-19, AS AMENDED BY P.L.226-2019,  
 35 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 36 UPON PASSAGE]: Sec. 19. (a) When the parent of a student who is  
 37 enrolled in a public school makes a written request, the principal may  
 38 allow the student to attend a school for religious instruction that is  
 39 conducted by a church, an association of churches, or an association  
 40 that is organized for religious instruction and incorporated under  
 41 Indiana law.

42 (b) If a principal grants permission under subsection (a), the



1 principal shall specify a period or periods, not to exceed one hundred  
 2 twenty (120) minutes in total in any week, for the student to receive  
 3 religious instruction. The permission is valid only for the year in which  
 4 it is granted. Decisions made by a principal under this section may be  
 5 reviewed by the superintendent.

6 (c) A school for religious instruction that receives students under  
 7 this section:

8 (1) shall maintain attendance records and allow inspection of  
 9 these records by attendance officers; and

10 (2) may not be supported, in whole or in part, by public funds.

11 (d) A student who attends a school for religious instruction under  
 12 this section shall receive the same attendance credit that the student  
 13 would receive for attendance in the public schools for the same length  
 14 of time.

15 (e) A public secondary school may award academic credit to a  
 16 student who attends religious instruction under this section if the  
 17 governing body of the school corporation adopts a policy that allows  
 18 the awarding of credit. A policy adopted under this subsection must  
 19 provide the following:

20 (1) Classes in religious instruction are evaluated on the basis of  
 21 purely secular criteria in substantially the same manner as similar  
 22 classes taken by a student at a nonpublic secondary school who  
 23 transfers to a public secondary school are evaluated to determine  
 24 whether the student receives transfer credit for the classes.  
 25 Secular criteria may include the following in addition to other  
 26 secular criteria established by the governing body:

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

28 (B) A review of the course syllabus that reflects the course  
 29 requirements and materials.

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

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

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

35 (3) A provision that a student who attends religious instruction  
 36 under this section shall first seek to use a time period during a  
 37 student instructional day (as ~~defined~~ described in IC 20-30-2-2)  
 38 that is not devoted to student instructional time to attend religious  
 39 instruction. If a student is not able to attend religious instruction  
 40 at a time other than during student instructional time, the student  
 41 may not be released to attend religious instruction for an amount  
 42 of time per week that exceeds the amount established in



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

4 SECTION 8. IC 20-43-1-33 IS ADDED TO THE INDIANA CODE  
 5 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 6 1, 2020 (RETROACTIVE)]: **Sec. 33. (a) This section applies only for  
 7 purposes of determining a school corporation's basic tuition  
 8 support under IC 20-43-6-3 using the fall and spring count of ADM  
 9 as described in IC 20-43-4-9(a).**

10 **(b) "Virtual instruction" means instruction that is provided in  
 11 an interactive learning environment created through technology in  
 12 which the student is separated from a teacher by time or space, or  
 13 both. However, the term does not include instruction that is  
 14 provided to a student that meets both of the following  
 15 requirements:**

- 16 **(1) The student was not enrolled in a:**  
 17 **(A) virtual education program (as defined in IC 20-19-9-1);**  
 18 **(B) dedicated virtual education school; or**  
 19 **(C) virtual charter school (as defined in IC 20-24-1-10);**  
 20 **on the date fixed in February 2020 by the state board for a**  
 21 **count of students under IC 20-43-4-3.**  
 22 **(2) The student is enrolled in a school corporation in which**  
 23 **fewer than one hundred percent (100%) of the students that**  
 24 **were enrolled in that school corporation on the date fixed in**  
 25 **February 2020 by the state board for a count of students**  
 26 **under IC 20-43-4-3 were receiving instruction in an**  
 27 **interactive learning environment created through technology**  
 28 **in which the student for whom the instruction is being**  
 29 **provided is separated from a teacher by time or space, or**  
 30 **both.**

31 **(c) This section expires January 1, 2022.**

32 SECTION 9. IC 20-43-4-6, AS AMENDED BY P.L.155-2020,  
 33 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 34 UPON PASSAGE]: **Sec. 6. (a) In determining ADM, each pupil  
 35 enrolled in a public school, including a charter school, and a nonpublic  
 36 school is to be counted on a full-time equivalency basis if the pupil:**

- 37 **(1) is enrolled in a public school and a nonpublic school;**  
 38 **(2) has legal settlement in a school corporation; and**  
 39 **(3) receives instructional services from a school corporation.**

40 **(b) For purposes of this section, full-time equivalency is calculated**  
 41 **as follows:**

42 **STEP ONE: Determine the result of:**





- 1 (A) the number of days instructional services will be provided  
 2 to the pupil, not to exceed one hundred eighty (180); divided  
 3 by  
 4 (B) one hundred eighty (180).  
 5 STEP TWO: Determine the result of:  
 6 (A) the pupil's public school instructional time (as ~~defined~~  
 7 **described** in IC 20-30-2-1); divided by  
 8 (B) the actual public school regular instructional day (as  
 9 ~~defined~~ **described** in IC 20-30-2-2).  
 10 STEP THREE: Determine the result of:  
 11 (A) the STEP ONE result; multiplied by  
 12 (B) the STEP TWO result.  
 13 STEP FOUR: Determine the lesser of one (1) or the result of:  
 14 (A) the STEP THREE result; multiplied by  
 15 (B) one and five hundredths (1.05).

16 However, the state board may, by rules adopted under IC 4-22-2,  
 17 specify an equivalent formula if the state board determines that the  
 18 equivalent formula would more accurately reflect the instructional  
 19 services provided by a school corporation during a period that a  
 20 particular ADM count is in effect for the school corporation.

21 SECTION 10. IC 34-13-3.7 IS ADDED TO THE INDIANA CODE  
 22 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
 23 MARCH 1, 2020 (RETROACTIVE)]:

24 **Chapter 3.7. School Corporation Immunity Related to**  
 25 **COVID-19**

26 **Sec. 1. As used in this chapter, "COVID-19" means:**

- 27 (1) severe acute respiratory syndrome coronavirus 2; or  
 28 (2) the disease caused by severe acute respiratory syndrome  
 29 coronavirus 2.

30 **Sec. 2. As used in this chapter, "school corporation" has the**  
 31 **meaning set forth in IC 20-18-2-16(a).**

32 **Sec. 3. As used in this chapter, "school property" refers to any**  
 33 **property owned, rented, leased, or operated by a school**  
 34 **corporation.**

35 **Sec. 4. Subject to the other provisions of this chapter, a school**  
 36 **corporation is immune from civil liability for damages resulting**  
 37 **from exposure of an individual to COVID-19:**

- 38 (1) on the school corporation's property; or  
 39 (2) at an activity sponsored by the school corporation.

40 **Sec. 5. This chapter does not grant immunity from civil liability**  
 41 **to a school corporation in which the school corporation's actions**  
 42 **or omissions constitute gross negligence or willful or wanton**



1 **misconduct as proven by clear and convincing evidence.**

2 **Sec. 6. (a) This chapter supplements and is in addition to:**

3 **(1) IC 34-13-3 (Indiana Tort Claims Act); and**

4 **(2) IC 34-18 (Indiana Medical Malpractice Act).**

5 **(b) This chapter does not apply to:**

6 **(1) IC 22-3-2 (Worker's Compensation);**

7 **(2) IC 22-3-7 (Worker's Occupational Diseases**  
8 **Compensation); or**

9 **(3) IC 22-8 (Occupational Health and Safety).**

10 **Sec. 7. The immunity provided in this chapter is in addition to**  
11 **any other immunity protection that may apply under state or**  
12 **federal law.**

13 **Sec. 8. This chapter expires December 31, 2024.**

14 SECTION 11. P.L.2-2020, SECTION 1, IS AMENDED TO READ  
15 AS FOLLOWS [EFFECTIVE JULY 1, 2020 (RETROACTIVE)]:  
16 SECTION 1. (a) The definitions in IC 20 apply throughout this  
17 SECTION.

18 (b) Notwithstanding IC 20-31-8 and 511 IAC 6.2-10, a school's or  
19 school corporation's category or designation of school or school  
20 corporation performance assigned by the state board under  
21 IC 20-31-8-4 for the 2018-2019 school year shall be calculated in the  
22 manner provided in 511 IAC 6.2-10, with the exception that a school's  
23 or school corporation's category or designation of school or school  
24 corporation performance for the 2018-2019 school year may not be  
25 lower than the school's or school corporation's category or designation  
26 of school or school corporation performance for the 2017-2018 school  
27 year.

28 (c) Notwithstanding IC 20-31-8 and 511 IAC 6.2-10, a school's or  
29 school corporation's category or designation of school or school  
30 corporation performance assigned by the state board under  
31 IC 20-31-8-4 for the 2019-2020 school year shall be calculated in the  
32 manner provided in 511 IAC 6.2-10, with the exception that a school's  
33 or school corporation's category or designation of school or school  
34 corporation performance for the 2019-2020 school year is the higher of  
35 a school's or school corporation's category or designation of school or  
36 school corporation performance:

37 (1) determined under subsection (b); or

38 (2) for the 2019-2020 school year as determined under  
39 IC 20-31-8.

40 **(d) Notwithstanding IC 20-31-8 and 511 IAC 6.2-10, a school's**  
41 **or school corporation's category or designation of school or school**  
42 **corporation performance assigned by the state board under**



1 **IC 20-31-8-4 for the 2020-2021 school year shall be calculated in**  
 2 **the manner provided in 511 IAC 6.2-10, with the exception that a**  
 3 **school's or school corporation's category or designation of school**  
 4 **or school corporation performance for the 2020-2021 school year**  
 5 **is the higher of a school's or school corporation's category or**  
 6 **designation of school or school corporation performance:**

7 **(1) determined under subsection (c); or**

8 **(2) for the 2020-2021 school year as determined under**  
 9 **IC 20-31-8.**

10 ~~(d)~~ **(e)** Notwithstanding IC 20-31-9, and except as otherwise  
 11 provided in this subsection, a school's category or designation of school  
 12 performance assigned by the state board under subsection (b), ~~or~~ (c),  
 13 **or (d)** may not be used in the determination of consequences under  
 14 IC 20-31-9. The school's category or designation of school performance  
 15 for the ~~2020-2021~~ **2021-2022** school year shall be considered the  
 16 category or designation for the school year immediately following the  
 17 2017-2018 school year for purposes of applying consequences under  
 18 IC 20-31-9 for a school that has been placed in the lowest category or  
 19 designation of school performance under subsections (b), ~~and~~ (c), **and**  
 20 **(d)**. However, a school may petition the state board, and the state board  
 21 shall grant the school's petition to use the grade assigned to the school  
 22 under subsection (b), ~~or~~ (c), **or (d)** for purposes of applying IC 20-31-9.

23 ~~(e)~~ **(f)** Notwithstanding IC 20-51-4-9, and except as otherwise  
 24 provided in this subsection, an eligible school's (as defined in  
 25 IC 20-51-1-4.7) category or designation of school performance under  
 26 subsection (b), ~~or~~ (c), **or (d)** may not be used in the determination of  
 27 consequences under IC 20-51-4-9 if the eligible school is placed in  
 28 either of the two (2) lowest categories or designations of school  
 29 performance under subsection (b), ~~or~~ (c), **or (d)**. The eligible school's  
 30 category or designation of school performance for the ~~2020-2021~~  
 31 **2021-2022** school year shall be considered the category or designation  
 32 for the school year immediately following the 2017-2018 school year  
 33 for purposes of applying consequences under IC 20-51-4-9 for an  
 34 eligible school that has been placed in the two (2) lowest categories or  
 35 designations of school performance under subsections (b), ~~and~~ (c), **and**  
 36 **(d)**. However, an eligible school may petition the state board, and the  
 37 state board shall grant the eligible school's petition to use the eligible  
 38 school's category or designation of school performance assigned under  
 39 subsection (b), ~~or~~ (c), **or (d)** for purposes of applying IC 20-51-4-9.

40 ~~(f)~~ **(g)** Notwithstanding IC 20-24-2.2-2, a charter school's category  
 41 or designation of school performance for the ~~2020-2021~~ **2021-2022**  
 42 school year shall be considered the category or designation for the



1 school year immediately following the 2017-2018 school year for  
2 purposes of applying IC 20-24-2.2-2(a) for a charter school that has  
3 been placed in the lowest category or designation of school  
4 performance under subsection (b), ~~or~~ (c), **or (d)**. However, a charter  
5 school may petition the state board, and the state board shall grant the  
6 charter school's petition to use the charter school's category or  
7 designation of school performance assigned under subsection (b), ~~or~~  
8 (c), **or (d)** for purposes of applying IC 20-24-2.2-2(a).

9 ~~(g)~~ **(h)** This SECTION expires January 1, ~~2023~~. **2024**.

10 SECTION 12. **An emergency is declared for this act.**

