

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.

## HOUSE ENROLLED ACT No. 1093

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AN ACT to amend the Indiana Code concerning education and to make an appropriation.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 10-21-1-2, AS AMENDED BY P.L.197-2019, SECTION 3, AND AS AMENDED BY P.L.50-2019, SECTION 2, AND AS AMENDED BY P.L.153-2019, SECTION 1, AND AS AMENDED BY P.L.272-2019, SECTION 3, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]:

Sec. 2. (a) The Indiana secured school fund is established to provide:

(1) matching grants to enable school corporations, ~~and~~ charter schools, *and accredited nonpublic schools* to establish programs under which a school corporation, ~~or~~ charter school, *or accredited nonpublic school* (or a coalition of schools) may:

~~(A)~~ (A) employ a school resource officer, *employ a law enforcement officer*, or enter into a contract or a memorandum of understanding with a:

~~(A)~~ (i) local law enforcement agency;

~~(B)~~ (ii) private entity; or

~~(C)~~ (iii) nonprofit corporation;

to employ a school resource officer *or a law enforcement officer*;

~~(2)~~ (B) conduct a threat assessment of the buildings within a school corporation or *the buildings that are operated by a charter school or accredited nonpublic school*; ~~or~~

~~(3)~~ (C) purchase equipment and technology to:

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- ~~(A)~~ (i) restrict access to school property; or  
~~(B)~~ (ii) expedite notification of first responders; or  
~~(4)~~ **(D)** *implement a student and parent support services plan as described in section ~~4(a)(5)~~ **4(a)(6)** of this chapter; and*  
 (2) *one (1) time grants to enable school corporations, charter schools, and accredited nonpublic schools with the sheriff for the county in which the school corporation, charter school, or accredited nonpublic school is located, to provide the initial set up costs for an active event warning system.*  
 (b) *A school corporation or charter school may use money received under a matching grant for a purpose listed in subsection (a) to provide a response to a threat in a manner that the school corporation or charter school sees fit, including firearms training or other self-defense training.*  
~~(b)~~ (c) The fund shall be administered by the department of homeland security.  
~~(c)~~ (d) The fund consists of:  
 (1) appropriations from the general assembly;  
 (2) grants from the Indiana safe schools fund established by IC 5-2-10.1-2;  
 (3) federal grants; and  
 (4) amounts deposited from any other public or private source.  
~~(d)~~ (e) The expenses of administering the fund shall be paid from money in the fund.  
~~(e)~~ (f) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund.  
~~(f)~~ (g) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

SECTION 2. IC 10-21-1-4, AS AMENDED BY P.L.197-2019, SECTION 5, AND AS AMENDED BY P.L.50-2019, SECTION 4, AND AS AMENDED BY P.L.153-2019, SECTION 2, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 4. (a) The board may award a matching grant to enable a school corporation, ~~or~~ charter school, *or accredited nonpublic school* (or a coalition of schools applying jointly) to:

- (1) establish a program to employ a school resource officer;  
 (2) *employ a law enforcement officer;*  
~~(2)~~ (3) provide school resource officer training described in ~~IC 20-26-18.2-1(b)(2);~~ **IC 20-26-18.2-1(c);**



- ~~(3)~~ (4) conduct a threat assessment; ~~or~~
- ~~(4)~~ (5) purchase equipment to restrict access to the school or expedite the notification of first responders; *in accordance with section 2(a) of this chapter; or*
- ~~(5)~~ (6) implement a student and parent support services plan in the manner set forth in IC 20-34-9;

*in accordance with section 2(a) of this chapter.*

(b) A matching grant awarded to a school corporation, ~~or~~ charter school, *or accredited nonpublic school* (or a coalition of schools applying jointly) may not exceed the lesser of the following during a two (2) year period beginning on or after May 1, 2013:

(1) The total cost of the program established by the school corporation, ~~or~~ charter school, *or accredited nonpublic school* (or the coalition of schools applying jointly).

(2) *Except as provided in subsection (d), the following amounts:*  
~~(A) Fifty thousand dollars (\$50,000) per year, in the case of a school corporation, or charter school, or accredited nonpublic school that:~~

- ~~(i) has an ADM of at least one thousand (1,000); and~~
- ~~(ii) is not applying jointly with any other school corporation, or charter school, or accredited nonpublic school.~~

~~(B) Thirty-five thousand dollars (\$35,000) per year, in the case of a school corporation, or charter school, or accredited nonpublic school that:~~

- ~~(i) has an ADM of less than one thousand (1,000); and~~
- ~~(ii) is not applying jointly with any other school corporation, or charter school, or accredited nonpublic school.~~

~~(C) Fifty thousand dollars (\$50,000) per year, in the case of a coalition of schools applying jointly.~~

(A) Thirty-five thousand dollars (\$35,000) per year, in the case of a school corporation, charter school, or accredited nonpublic school that:

- (i) has an ADM of at least one (1) and less than one thousand one (1,001) students; and
- (ii) is not applying jointly with any other school corporation, charter school, or accredited nonpublic school.

(B) Fifty thousand dollars (\$50,000) per year, in the case of a school corporation, charter school, or accredited nonpublic school that:



*(i) has an ADM of more than one thousand (1,000) and less than five thousand one (5,001) students; and*

*(ii) is not applying jointly with any other school corporation, charter school, or accredited nonpublic school.*

*(C) Seventy-five thousand dollars (\$75,000) per year, in the case of a school corporation, charter school, or accredited nonpublic school that:*

*(i) has an ADM of more than five thousand (5,000) and less than fifteen thousand one (15,001) students; and*

*(ii) is not applying jointly with any other school corporation, charter school, or accredited nonpublic school.*

*(D) One hundred thousand dollars (\$100,000) per year, in the case of a school corporation, charter school, or accredited nonpublic school that:*

*(i) has an ADM of more than fifteen thousand (15,000); and*

*(ii) is not applying jointly with any other school corporation, charter school, or accredited nonpublic school.*

*(E) One hundred thousand dollars (\$100,000) per year, in the case of a coalition of schools applying jointly.*

*(c) Except as provided in subsection (d), the match requirement for a grant under this chapter is based on the ADM, as follows:*

*(1) For a school corporation, charter school, or accredited nonpublic school with an ADM of less than five hundred one (501) students, the grant match must be twenty-five percent (25%) of the grant amount described in subsection (b).*

*(2) For a school corporation, charter school, or accredited nonpublic school with an ADM of more than five hundred (500) and less than one thousand one (1,001) students, the grant match must be fifty percent (50%) of the grant amount described in subsection (b).*

*(3) For a school corporation, charter school, or accredited nonpublic school with an ADM of more than one thousand (1,000) students or a coalition of schools applying jointly, the grant match must be one hundred percent (100%) of the grant amount described in subsection (b).*

*(d) A school corporation, charter school, or accredited nonpublic school may be eligible to receive a grant of up to:*

*(1) one hundred thousand dollars (\$100,000) if:*

*(A) the school corporation, charter school, or accredited*



*nonpublic school receives a grant match of one hundred percent (100%) of the requested grant amount; and*

*(B) the board approves the grant request; or*

*(2) for a school corporation, charter school, or accredited nonpublic school described subsection (c)(1) or (c)(2), a grant of up to fifty thousand dollars (\$50,000) if:*

*(A) the school corporation, charter school, or accredited nonpublic school receives a grant match of fifty percent (50%) of the requested grant amount; and*

*(B) the board approves the grant request.*

~~(c)~~ (e) A school corporation, ~~or~~ charter school, or accredited nonpublic school may receive only one (1) matching grant under this section each year.

~~(d)~~ (f) The board may not award a grant to a school corporation, ~~or~~ charter school, or accredited nonpublic school under this ~~chapter~~ section unless the school corporation, ~~or~~ charter school, or accredited nonpublic school is in a county that has a county school safety commission, as described in IC 5-2-10.1-10.

SECTION 3. IC 12-17.2-3.8-5, AS ADDED BY P.L.2-2014, SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 5. (a) The early learning advisory committee is established to do the following:

**(1) Establish child developmental and educational goals for Indiana's early learning system, including the development of standards and objectives for early education programs that receive state or federal funds.**

**(2) Design and maintain an approach to measuring progress toward the goals established under subdivision (1) that include objective measures of academic quality.**

**(3) Assess the attainment of the goals established under subdivision (1) and evaluate the efficacy of state and federal spending on Indiana's early learning system.**

**(4) Assess whether the requirements for early education program licensure:**

**(A) create an equitable standard for health and safety across all early education program types;**

**(B) reinforce the goals established under subdivision (1); and**

**(C) support the sustainability of Indiana's early learning system.**

~~(4)~~ **(5) Conduct periodic statewide needs assessments concerning the quality and availability of early education programs for**



children from birth to the age of school entry, including the availability of high quality prekindergarten education for low income children in Indiana.

~~(2)~~ **(6)** Identify opportunities for, and barriers to, collaboration and coordination among federally and state funded child development, child care, and early childhood education programs and services, including governmental agencies that administer the programs and services.

**(7) Design early education workforce strategies, including recommendations on how to advance professional development.**

~~(3)~~ **(8)** Assess the capacity and effectiveness of ~~two (2) and four (4) year public and private higher education institutions in Indiana~~ for the **pathways to support of development training and recruitment** of early educators. ~~including:~~

~~(A) professional development and career advancement plans; and~~

~~(B) practice or internships with Head Start or prekindergarten programs.~~

~~(4) Other duties as determined necessary by the chairperson of the committee.~~

~~(5)~~ **(9)** Not later than ~~June~~ **November** 30 of each year, develop and make recommendations to the governor and, in an electronic format under IC 5-14-6, to the legislative council concerning the results of the committee's work under subdivisions (1) through ~~(4)~~: **(8)**.

(b) The committee consists of ~~six (6)~~ **the following thirteen (13)** members: ~~appointed by the governor as follows:~~

~~(1) A representative of the department~~ **The secretary of education or the secretary's designee.**

~~(2) A representative of the division.~~

**(2) The secretary of family and social services or the secretary's designee.**

**(3) Seven (7) members appointed by the governor as follows:**

**(A) A representative of an organization with an interest in training the early childhood education workforce.**

~~(3)~~ **(B)** A representative of a Head Start program under 42 U.S.C. 9831 et seq.

~~(4)~~ **(C)** A ~~representative of a family advocacy group that~~ **member of the general public who** has an interest in early childhood education.

~~(5)~~ **(D)** A **representative of** an early childhood education



provider.

**(E) A representative from a school corporation who has an interest in strengthening the transition from early childhood education to elementary education.**

~~(F)~~ **(F) A representative of business with an interest in early childhood education.**

**(G) A representative of the nonprofit or philanthropic community with an interest in early childhood education.**

**(4) One (1) member who:**

**(A) is appointed by the speaker of the house of representatives;**

**(B) is not a member of the general assembly; and**

**(C) shall serve as a nonvoting member.**

**(5) One (1) member who:**

**(A) is appointed by the president pro tempore of the senate;**

**(B) is not a member of the general assembly; and**

**(C) shall serve as a nonvoting member.**

**(6) One (1) member who:**

**(A) is appointed by the minority leader of the house of representatives;**

**(B) is not a member of the general assembly; and**

**(C) shall serve as a nonvoting member.**

**(7) One (1) member who:**

**(A) is appointed by the minority leader of the senate;**

**(B) is not a member of the general assembly; and**

**(C) shall serve as a nonvoting member.**

**(c) Subject to section 5.1 of this chapter, members appointed under subsection (b)(3) through (b)(7) serve for three (3) year terms. The members of the committee serve at the pleasure of the appointing authority.**

~~(d)~~ **(d) The governor shall appoint the a member of the committee to serve as chairperson of the committee. The committee shall meet at least six (6) times each calendar year at the call of the chairperson.**

~~(e)~~ **(e) The division shall, in consultation with the department of education, staff the committee.**

~~(f)~~ **(f) The expenses of the committee shall be paid from the funds of the division.**

~~(g)~~ **(g) Each member of the committee who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also entitled to reimbursement for**



traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

~~(g)~~ **(h)** Each member of the committee who is a state employee but who is not a member of the general assembly is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

~~(h)~~ **(i)** Each member of the committee who is a member of the general assembly is entitled to receive the same per diem, mileage, and travel allowances paid to legislative members of interim study committees established by the legislative council. Per diem, mileage, and travel allowances paid under this section shall be paid from appropriations made to the legislative council or the legislative services agency.

~~(i)~~ **(j)** The affirmative votes of a majority of the voting members appointed to the committee are required for the committee to take action on any measure, including final reports.

SECTION 4. IC 12-17.2-3.8-5.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: **Sec. 5.1. (a) As used in this section, "committee" refers to the early learning advisory committee established by section 5 of this chapter.**

**(b) The term of a member who was appointed to the committee before April 1, 2022, expires on April 1, 2022.**

**(c) Not later than June 30, 2022, the applicable appointing authorities shall appoint members to the committee in accordance with section 5 of this chapter.**

**(d) The initial appointments by the governor described in section 5(b)(3) of this chapter shall begin not later than July 1, 2022, and the initial terms of the members initially appointed under section 5(b)(3) of this chapter are as follows:**

**(1) The members appointed under section 5(b)(3)(A), 5(b)(3)(C), 5(b)(3)(D), and 5(b)(3)(G) of this chapter shall serve an initial term of two (2) years.**

**(2) The members appointed under section 5(b)(3)(B), 5(b)(3)(E), and 5(b)(3)(F) of this chapter shall serve an initial term of three (3) years.**

**(e) This section expires January 1, 2026.**





SECTION 5. IC 20-19-3-15, AS ADDED BY P.L.223-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 15. (a) This section does not apply to a school promotional item that has minimal monetary value.

**(b) As used in this section, "participating entity" has the meaning set forth in IC 20-51.4-2-6.**

~~(b)~~ **(c)** As used in this section, "school" means any of the following:

- (1) A school corporation.
- (2) A charter school, including a conversion charter school or a virtual charter school.
- (3) A nonpublic school that has any students enrolled who receive a choice scholarship under IC 20-51-4.

~~(c)~~ **(d)** A school, **a participating entity, an employee of a school or a participating entity, or a member or representative of an association affiliated with a school employee organization (as defined in IC 20-29-2-14)** may not offer or give, as an **enrollment incentive to enroll, reenroll, or continue attending a school**, any item that has monetary value, including cash or a gift card, ~~that may be used at a retail store, grocery store, online store, or other commercial enterprise, to:~~

- (1) **a student or prospective student (or the parent of a student or prospective student) in exchange for enrolling, reenrolling, or incentivizing continued attendance of the student or prospective student at the school; or**
- (2) any person in exchange for referring a prospective student to the school.

SECTION 6. IC 20-24-2.1-2, AS AMENDED BY P.L.250-2017, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 2. The charter board shall **establish a process to:**

- (1) review a proposal to establish a charter school under IC 20-24-3-4;
- (2) make a decision on the proposal as required under IC 20-24-3-9;
- (3) monitor charter schools authorized by the charter board; and
- (4) make decisions on the renewal, nonrenewal, and revocation of charters granted by the charter board.

SECTION 7. IC 20-24-2.1-3 IS REPEALED [EFFECTIVE JULY 1, 2022]. ~~Sec. 3: The department shall provide staff to carry out the duties of the charter board under this chapter until the time when the charter board begins receiving administrative fees pursuant to IC 20-24-7-4(c). At that time, the charter board may hire staff to carry out the duties of the charter board under this chapter.~~



SECTION 8. IC 20-24-2.1-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: **Sec. 3.5. (a) The charter board shall appoint an executive director to carry out the duties and daily operations of the charter board. The executive director may be removed by the charter board for just cause.**

**(b) The executive director's duties include the following:**

- (1) To carry out the duties and responsibilities of the charter board under this chapter.**
- (2) To hire staff as necessary to ensure efficient and effective operation of the charter board.**
- (3) To pay the reasonable and necessary traveling and other expenses of an employee, a member, or an agent of the charter board.**
- (4) To request from any public agency the assistance, services, and data that will enable the charter board to properly carry out the charter board's functions and powers.**

**(c) The executive director has financial and signatory powers necessary to ensure efficient and effective charter board operations. In addition, the charter board may authorize the executive director to carry out any or all of the charter board's powers under section 2 of this chapter unless otherwise prohibited by law.**

SECTION 9. IC 20-24-2.1-4, AS ADDED BY P.L.91-2011, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: **Sec. 4. (a) Funding for the charter board consists of administrative fees collected under IC 20-24-7-4.**

**(b) The Indiana charter school board fund is established for the purpose of funding the charter board.**

**(c) The fund consists of administrative fees collected under IC 20-24-7-4.**

**(d) The charter board shall administer the fund.**

**(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund but remains available to be used for the purposes of this chapter.**

**(f) Money in the fund is appropriated continuously for the purposes of this chapter.**

SECTION 10. IC 20-26-18.2-1, AS AMENDED BY P.L.30-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: **Sec. 1. (a) As used in this chapter, "school resource officer" means an individual a law enforcement officer who:**

- (1) has completed the training described in subsection (b);**



(2) is assigned to one (1) or more school corporations or charter schools **during school hours** to:

(A) assist the school safety specialist with the development and implementation of the school safety plan as provided in section 2 of this chapter; and

(B) carry out any additional responsibilities assigned to the school resource officer under the employment engagement, contract, or memorandum of understanding and to **provide law enforcement services to:**

- (i) protect against outside threats to the physical safety of students;
- (ii) prevent unauthorized access to school property; and
- (iii) secure schools against violence and natural disasters; and

(3) is:

(A) employed by a law enforcement agency;

(B) appointed as a police reserve officer (as described in IC 36-8-3-20) or as a special deputy (as described in IC 36-8-10-10.6) if the police reserve officer or special deputy:

- (i) is subject to the direction of the sheriff or appointing law enforcement agency;
- (ii) is required to obey the rules and orders of the sheriff's department or appointing law enforcement agency;
- (iii) is required to complete all training required of regular full-time law enforcement officers employed by the sheriff's department or appointing law enforcement agency; and
- (iv) may be removed by the sheriff or appointing law enforcement agency at any time, with or without cause; or

(C) a school corporation police officer appointed under IC 20-26-16-3.

**The term does not include a law enforcement officer who is assigned to a school to provide security outside a school building for protection from outside threats, traffic duty, or other duties not consistent with the duties of a school resource officer.**

(b) Before being appointed as a school resource officer, an individual must have

(+) successfully completed the minimum training requirements established for law enforcement officers under IC 5-2-1-9. ~~and~~

(2) received

**(c) The law enforcement officer appointed as a school resource officer must receive** at least forty (40) hours of school resource officer training through:



~~(A)~~ (1) the Indiana law enforcement training board established by IC 5-2-1-3;

~~(B)~~ (2) the National Association of School Resource Officers; or

~~(C)~~ (3) another school resource officer training program approved by the Indiana law enforcement training board;

**within one hundred eighty (180) days from the date the individual is initially assigned the duties of a school resource officer. However, if the current ADM of a school corporation is less than one thousand (1,000) students, the individual shall complete the school resource officer training within three hundred sixty-five (365) days of the date the individual is initially assigned the duties of a school resource officer.**

~~(c)~~ (d) Training described in subsection ~~(b)(2)~~ (c) must include instruction regarding skills, tactics, and strategies necessary to address the special nature of:

(1) school campuses; and

(2) school building security needs and characteristics.

SECTION 11. IC 20-26-18.2-2, AS AMENDED BY P.L.272-2019, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 2. (a) A school resource officer may be employed:

(1) by one (1) or more school corporations or charter schools through a contract between a local law enforcement agency and the school corporation or school corporations or the charter school or charter schools;

(2) by one (1) or more school corporations or charter schools;

(3) by a local law enforcement agency that assigns the school resource officer to one (1) or more school corporations or charter schools through a memorandum of understanding between the local law enforcement agency and the school corporation or school corporations or the charter school or charter schools; or

(4) through a contract between an Indiana business that employs persons who meet the qualifications of a school resource officer and the school corporation or school corporations or the charter school or charter schools.

~~(b) A contract or~~ **This subsection does not apply to a school corporation that only has full-time school resource officers who are either employees of the school corporation's school police department or are employees of the school corporation who have successfully completed the law enforcement basic training requirements described in IC 5-2-1-9(d). After June 30, 2023, if a school corporation or charter school enters into a contract for a school resource officer, the school corporation or charter school**



**must enter into a memorandum of understanding with the law enforcement agency that employs or appointed the law enforcement officer who will perform the duties of a school resource officer. The memorandum of understanding entered into under subsection (a) must state the nature and scope of a school resource officer's duties and responsibilities. A school resource officer's duties and responsibilities include the duty to assist the school corporation's school safety specialist with the development and implementation of a school safety plan that does the following:**

- (1) Protects against outside threats to the physical safety of students.
- (2) Prevents unauthorized access to school property.
- (3) Secures schools against violence and natural disasters.
- (4) On or before July 1, 2020, identifies the location of bleeding control kits (as defined in IC 20-34-3-24(a)).

(c) A school resource officer shall consult with local law enforcement officials and first responders when assisting the school corporation's school safety specialist in the development of the school safety plan.

(d) A school resource officer shall participate in the development of programs designed to identify, assess, and provide assistance to troubled youth.

(e) A school resource officer may not be reassigned to other duties by the school corporation.

SECTION 12. IC 20-28-5-18, AS AMENDED BY P.L.92-2020, SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 18. (a) This section applies to an individual who:

- (1) holds a valid teaching license issued by another state (excluding a teaching license equivalent to an Indiana temporary or emergency teaching license) in the same content area or areas for which the individual is applying for a license in Indiana; and
- (2) was required to pass a content licensure test to obtain the license described in subdivision (1).

(b) Notwithstanding sections 3 and 12 of this chapter, the department shall grant one (1) of the following licenses to an individual described in subsection (a):

- (1) If the individual has less than ~~three (3)~~ **two (2)** years of full-time teaching experience, an initial practitioner's license.
- (2) If the individual has at least ~~three (3)~~ **two (2)** years of full-time teaching experience, a practitioner's license.
- (3) If the individual has a master's degree from a regionally accredited institution and at least two (2) years of full-time**



**teaching experience, an accomplished practitioner's license.**

(c) An individual who is granted a license under this section shall comply with the training or certification requirements prescribed by the state board under IC 20-28-5.5-1(b).

SECTION 13. IC 20-30-2-2.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: **Sec. 2.7. (a) This section applies to the following:**

**(1) Except as provided in subsection (b), a public school maintained by a school corporation.**

**(2) A charter school that is not a virtual charter school (as defined in IC 20-24-1-10).**

**(b) This section does not apply to a dedicated virtual education school.**

**(c) As used in this section, "virtual student instructional day" means a student instructional day to which the following apply:**

**(1) A school provides virtual instruction or remote learning to at least fifty percent (50%) of the students enrolled to attend in-person instruction at the school.**

**(2) A school counts the student instructional day toward meeting the one hundred eighty (180) day requirement established by section 3 of this chapter.**

**(d) Except as provided in subsections (e) and (g), a school shall deliver:**

**(1) teacher directed synchronous instruction; or**

**(2) a hybrid of:**

**(A) teacher directed synchronous instruction for at least fifty percent (50%) of the particular instructional day; and**

**(B) asynchronous learning;**

**during the instructional time of a virtual student instructional day.**

**(e) Except as provided in subsection (g), a school may conduct not more than three (3) virtual student instructional days each school year that do not meet the requirements under subsection (d).**

**(f) Except as provided in subsection (g), if a school conducts a student instructional day described in subsection (c)(1) that does not meet the requirements of this section, the school may not count the student instructional day toward meeting the one hundred eighty (180) day requirement established by section 3 of this chapter.**

**(g) A school may submit to the department a request to waive the requirements set forth in this section to include a virtual**



student instructional day otherwise excluded under subsection (f) to meet the one hundred eighty (180) day requirement established by section 3 of this chapter if the virtual student instructional day was conducted because of extraordinary circumstances. The department may waive the requirements for the school after consideration of the request.

(h) The state board may adopt rules under IC 4-22-2 to implement this section. However, the state board shall, in consultation with the department, adopt rules under IC 4-22-2 that define teacher directed synchronous instruction and asynchronous learning and provide that the instruction or learning must be of the same quality and rigor as required under section 2.5(b) of this chapter.

SECTION 14. IC 20-30-2-4, AS ADDED BY P.L.1-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 4. (a) **Subject to subsection (b)**, if a school corporation fails to conduct the minimum number of student instructional days during a school year as required under section 3 of this chapter, the department shall reduce the August tuition support distribution to that school corporation for a school year by an amount determined as follows:

STEP ONE: Determine the remainder of:

- (A) the amount of the total tuition support allocated to the school corporation for the particular school year; minus
- (B) that part of the total tuition support allocated to the school corporation for that school year with respect to student instructional days one hundred seventy-six (176) through one hundred eighty (180).

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

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

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

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

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

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

STEP EIGHT: Multiply the quotient determined under STEP



SEVEN by the remainder determined under STEP SIX.

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

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

SECTION 15. IC 20-32-5.1-12, AS ADDED BY P.L.242-2017, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 12. (a) The department shall establish policies and procedures that foster, to the extent possible, the scoring of student responses of an open ended writing assessment on a statewide assessment by Indiana teachers. The teacher may not grade student responses of students who are enrolled in the same school corporation, charter school, state accredited nonpublic school, or eligible school (as defined in IC 20-51-1-4.7) in which the teacher is currently employed.

- (b) The scoring of student responses under a statewide assessment:
- (1) must adhere to scoring rubrics and anchor papers;
  - (2) must measure student achievement relative to the academic standards established by the state board; and
  - (3) may not reflect the scorer's judgment of the values expressed by a student in the student's responses.

**(c) The department, in consultation with the technical advisory committee established by the state board, shall conduct a study to analyze and determine the reliability of machine scoring student responses to items on the statewide assessment. After conducting the study, the department may, if recommended by the technical advisory committee, utilize machine scoring for purposes of scoring student responses to items on the statewide assessment.**

SECTION 16. IC 20-32-5.1-13, AS ADDED BY P.L.242-2017, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 13. (a) The proficiency of students under a statewide assessment must be reported to the state board not later than:

- (1) for the 2018-2019 school year, August 15, 2019; and
- (2) for each school year beginning after June 30, 2019, July 1 of the year in which the statewide assessment is administered.

- (b) Reports of student scores on the statewide assessment must be:
- (1) returned to the school corporation, charter school, state





accredited nonpublic school, or eligible school (as defined in IC 20-51-1-4.7) that administered the test; and

(2) accompanied by a guide for interpreting scores.

(c) Subject to approval by the state board, reports of student results on computer scored items under a statewide assessment may be returned to schools regardless of whether the hand scored items are returned.

(d) After reports of final student scores on the statewide assessment are returned to a school corporation, charter school, state accredited nonpublic school, or eligible school (as defined in IC 20-51-1-4.7), the school corporation or school shall promptly do the following:

(1) Give each student and the student's parent the student's statewide assessment test scores, **including (if applicable) the summary described in section 14.5 of this chapter.**

(2) Make available for inspection to each student and the student's parent the following:

(A) A copy of the student's scored responses.

(B) A copy of the anchor papers and scoring rubrics used to score the student's responses.

A student's parent or the student's principal may request a rescoring of a student's responses to a statewide assessment, including a student's essay. A student's final score on a rescored statewide assessment must reflect the student's actual score on the rescored statewide assessment regardless of whether the student's score decreased or improved on the rescored assessment.

(e) The department shall develop criteria to provide a student's parent the opportunity to inspect questions in a manner that will not compromise the validity or integrity of a statewide assessment.

(f) A student's statewide assessment scores may not be disclosed to the public.

(g) The department may not release less than ten (10) items per subject matter per grade level. The state board and department shall:

(1) post:

(A) the questions; and

(B) with the permission of each student's parent, student answers that are exemplary responses to the released questions;

on the Internet web sites of the state board and department; and

(2) publicize the availability of the questions and answers to schools, educators, and the public.

A student answer posted under this subsection may not identify the student who provided the answer.



SECTION 17. IC 20-32-5.1-14, AS ADDED BY P.L.242-2017, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 14. (a) After a school receives statewide assessment score reports, ~~the school shall offer a parent/teacher conference to discuss a student's statewide assessment results with the following:~~

- (1) ~~A parent of a student who requests a parent/teacher conference on the statewide assessment scores of the student.~~
- (2) ~~The parent of each student who does not receive a passing score on the test.~~

**a teacher who currently teaches a student shall discuss with a parent of the student the student's statewide assessment results at the next parent/teacher conference if the parent participates in the parent/teacher conference. If a school does not hold parent/teacher conferences, a teacher who currently teaches a student shall send a notice to a parent of the student offering to meet with the parent to discuss the student's statewide assessment results and, upon the parent's request, meet with the parent.**

(b) The department shall provide enrichment resources to parents and students to provide assistance to students in subject matter included in the student's most recently completed statewide assessment.

SECTION 18. IC 20-32-5.1-14.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: **Sec. 14.5. For a contract entered into or renewed after June 30, 2022, with a vendor to conduct the statewide assessment, the department may include in the contract a requirement that the vendor provide a summary of a student's statewide assessment results that:**

- (1) is in an easy to read, understandable format for parents; and**
- (2) includes information regarding how the student's statewide assessment results compare to statewide assessment results of other students in the same grade level in Indiana.**

SECTION 19. IC 20-40-2-6, AS AMENDED BY P.L.161-2019, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 6. (a) Each school corporation shall make every reasonable effort to transfer not more than fifteen percent (15%) of the total revenue deposited in the school corporation's education fund from the school corporation's education fund to the school corporation's operations fund during a calendar year.

(b) Only after the transfer is authorized by the governing body in a public meeting with public notice, money in the education fund may be



transferred to the operations fund to cover expenditures that are not allocated to student instruction and learning under IC 20-42.5. The amount transferred from the education fund to the operations fund shall be reported by the school corporation to the department. The transfers made during the:

- (1) first six (6) months of each state fiscal year shall be reported before January 31 of the following year; and
- (2) last six (6) months of each state fiscal year shall be reported before July 31 of that year.
- (c) The report must include information as required by the department and in the form required by the department.
- (d) The department must post the report submitted under subsection (b) on the department's Internet web site.
- (e) Beginning in 2020, the department shall track for each school corporation transfers from the school corporation's education fund to its operations fund for the preceding six (6) month period. Beginning in 2021, before ~~February~~ **March** 1 of each year, the department shall compile an excessive education fund transfer list comprised of all school corporations that transferred more than fifteen percent (15%) of the total revenue deposited in the school corporation's education fund from the school corporation's education fund to the school corporation's operations fund during the immediately preceding calendar year. A school corporation that is not included on the excessive education fund transfer list is considered to have met the education fund transfer target percentage for the immediately preceding calendar year.

SECTION 20. IC 20-40-2-9, AS ADDED BY P.L.161-2019, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 9. (a) For each school corporation included on the excessive education fund transfer list required under section 6 of this chapter, the department shall, not later than ~~March~~ **April** 1 of each year, submit in both a written and an electronic format a notice to the school corporation's superintendent, school business officer, and governing body that the school corporation did not meet its education fund transfer target percentage for the previous calendar year.

(b) If a school corporation's governing body receives a notice from the department under subsection (a), the school corporation shall do all of the following:

- (1) Publicly acknowledge receipt of the excessive education fund transfer list notice from the department at the governing body's next public meeting.
- (2) Enter into the governing body's official minutes for that meeting acknowledgment of the notice.



(3) Publish on the school corporation's Internet web site the department's notice and any relevant individual reports prepared by the department within thirty (30) days after the public meeting.

SECTION 21. [EFFECTIVE JULY 1, 2021 (RETROACTIVE)] (a)

**The definitions in IC 20 apply throughout this SECTION.**

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

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

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

SECTION 22. An emergency is declared for this act.



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Speaker of the House of Representatives

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President of the Senate

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President Pro Tempore

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

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