

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 ENROLLED ACT No. 123

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AN ACT to amend the Indiana Code concerning education.

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

SECTION 1. IC 20-24-8-5, AS AMENDED BY P.L.147-2020, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 5. The following statutes and rules and guidelines adopted under the following statutes apply to a charter school:

- (1) IC 5-11-1-9 (required audits by the state board of accounts).
- (2) IC 20-39-1-1 (unified accounting system).
- (3) IC 20-35 (special education).
- (4) IC 20-26-5-10 (criminal history).
- (5) IC 20-26-5-6 (subject to laws requiring regulation by state agencies).
- (6) IC 20-28-10-12 (nondiscrimination for teacher marital status).
- (7) IC 20-28-10-14 (teacher freedom of association).
- (8) IC 20-28-10-17 (school counselor immunity).
- (9) For conversion charter schools only if the conversion charter school elects to collectively bargain under IC 20-24-6-3(b), IC 20-28-6, IC 20-28-7.5, IC 20-28-8, IC 20-28-9, and IC 20-28-10.
- (10) IC 20-33-2 (compulsory school attendance).
- (11) IC 20-33-8-19, IC 20-33-8-21, and IC 20-33-8-22 (student due process and judicial review).
- (12) IC 20-33-8-16 (firearms and deadly weapons).
- (13) IC 20-34-3 (health and safety measures).



- (14) IC 20-33-9 (reporting of student violations of law).
- (15) IC 20-30-3-2 and IC 20-30-3-4 (patriotic commemorative observances).
- (16) IC 20-31-3, IC 20-32-4, IC 20-32-5 (for a school year ending before July 1, 2018), IC 20-32-5.1 (for a school year beginning after June 30, 2018), IC 20-32-8, and IC 20-32-8.5, as provided in IC 20-32-8.5-2(b) (academic standards, accreditation, assessment, and remediation).
- (17) IC 20-33-7 (parental access to education records).
- (18) IC 20-31 (accountability for school performance and improvement).
- (19) IC 20-30-5-19 (personal financial responsibility instruction).
- (20) IC 20-26-5-37.3, before its expiration (career and technical education reporting).
- (21) IC 20-35.5 (dyslexia screening and intervention).**
- ~~(21)~~ **(22)** IC 22-2-18, before its expiration on June 30, 2021 (limitations on employment of minors).

SECTION 2. IC 20-24.2-4-4, AS AMENDED BY P.L.140-2018, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 4. The following provisions of this title and rules and guidelines adopted under the following provisions of this title apply to a qualified district or qualified high school:

- IC 20-20-1 (educational service centers).
- IC 20-20-8 (school corporation annual performance report).
- IC 20-23 (organization of school corporations).
- IC 20-26 (school corporation general administrative provisions).
- IC 20-27 (school transportation).
- IC 20-28-3-4 (teacher continuing education).
- IC 20-28-4-8 (hiring of transition to teaching participants; restrictions).
- IC 20-28-4-11 (transition to teaching participants; school corporation or subject area; transition to teaching permit).
- IC 20-28-5-8 (conviction of certain felonies; notice and hearing; permanent revocation of license; data base of school employees who have been reported).
- IC 20-28-6 (teacher contracts).
- IC 20-28-7.5 (cancellation of teacher contracts).
- IC 20-28-8 (contracts with school administrators).
- IC 20-28-9 (teacher salary and related payments).
- IC 20-28-10 (conditions of employment).
- IC 20-28-11.5 (staff performance evaluations).
- IC 20-29 (collective bargaining for teachers).



IC 20-30-3-2 and IC 20-30-3-4 (patriotic commemorative observances).

IC 20-30-5-13 (human sexuality instructional requirements).

IC 20-30-5-19 (personal financial responsibility instruction).

IC 20-31 (accountability for school performance and improvement).

IC 20-32-4, IC 20-32-5 (for a school year beginning before July 1, 2018), IC 20-32-5.1 (for a school year ending after June 30, 2018), and IC 20-32-8 (accreditation, assessment, and remediation), or any other statute, rule, or guideline related to standardized assessments.

IC 20-33 (students: general provisions).

IC 20-34-3 (health and safety measures).

IC 20-35 (special education).

**IC 20-35.5 (dyslexia screening and intervention).**

IC 20-36 (high ability students).

IC 20-39 (accounting and financial reporting procedures).

IC 20-40 (government funds and accounts).

IC 20-41 (extracurricular funds and accounts).

IC 20-42.5 (allocation of expenditures to student instruction and learning).

IC 20-43 (state tuition support).

IC 20-44 (property tax levies).

IC 20-46 (levies other than general fund levies).

IC 20-47 (related entities; holding companies; lease agreements).

IC 20-48 (borrowing and bonds).

IC 20-49 (state management of common school funds; state advances and loans).

IC 20-50 (homeless children and foster care children).

SECTION 3. IC 20-25.7-4-8, AS ADDED BY P.L.214-2015, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 8. (a) Except as otherwise provided in this article, the following do not apply to an innovation network school:

(1) An Indiana statute applicable to a governing body or school corporation.

(2) A rule or guideline adopted by the state board, except for those rules that assist a teacher in gaining or renewing a standard or advanced license.

(3) A local regulation or policy adopted by a school corporation unless specifically incorporated in the agreement established under this chapter.

(b) Except as otherwise provided in this article, the following



statutes apply to an innovation network school:

- (1) IC 20-24-8-5 (statutes applicable to charter schools).
- (2) IC 20-28-11.5 (staff performance evaluations).
- (3) IC 20-24-6 (employment of teachers and other personnel in charter schools).
- (4) IC 20-35.5 (dyslexia screening and intervention).**

SECTION 4. IC 20-26.5-2-3, AS AMENDED BY P.L.92-2020, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 3. (a) Notwithstanding any other law, the following may be suspended for a coalition member in accordance with the coalition's plan:

- (1) Subject to section 1(c) of this chapter, IC 20-30, concerning curriculum.
- (2) The following statutes and rules concerning curricular materials:
  - IC 20-26-12-1.
  - IC 20-26-12-2.
  - IC 20-26-12-24.
  - IC 20-26-12-26.
  - 511 IAC 6.1-5-5.
- (3) The following rules concerning teacher licenses:
  - 511 IAC 16.
  - 511 IAC 17.
- (4) Subject to subsection (c), IC 20-31-3 (concerning the adoption of academic standards).
- (5) IC 20-31-4.1, concerning the performance based accreditation system.
- (6) Except as provided in subsection (b), any other statute in IC 20 or rule in 511 IAC requested to be suspended as part of the plan that is approved by the state board under section 1 of this chapter.

(b) A coalition member may not suspend under subsection (a)(6) any of the following:

- (1) IC 20-26-5-10 (criminal history and child protection index check).
- (2) IC 20-28 (school teachers).
- (3) IC 20-29 (collective bargaining).
- (4) IC 20-31 (accountability for performance and improvement), except for IC 20-31-3 and IC 20-31-4.1.
- (5) Subject to subsection (c), IC 20-32-4 (graduation requirements).
- (6) IC 20-32-5.1 (Indiana's Learning Evaluation Assessment)



Readiness Network (ILEARN) program).

(7) IC 20-33 (students).

(8) IC 20-34 (student health and safety measures).

(9) IC 20-35 (special education).

**(10) IC 20-35.5 (dyslexia screening and intervention).**

~~(10)~~ (11) IC 20-36 (high ability students).

~~(11)~~ (12) IC 20-39 (accounting and financial reporting procedures).

~~(12)~~ (13) IC 20-40 (government funds and accounts).

~~(13)~~ (14) IC 20-41 (extracurricular funds and accounts).

~~(14)~~ (15) IC 20-42 (fiduciary funds and accounts).

~~(15)~~ (16) IC 20-42.5 (allocation of expenditures to student instruction and learning).

~~(16)~~ (17) IC 20-43 (state tuition support).

~~(17)~~ (18) IC 20-44 (property tax levies).

~~(18)~~ (19) IC 20-46 (levies other than general fund levies).

~~(19)~~ (20) IC 20-47 (related entities; holding companies; lease agreements).

~~(20)~~ (21) IC 20-48 (borrowing and bonds).

~~(21)~~ (22) IC 20-49 (state management of common school funds; state advances and loans).

~~(22)~~ (23) IC 20-50 (homeless children and foster care children).

(c) A coalition member must comply with the postsecondary readiness competency requirements under IC 20-32-4-1.5(b)(1). However, notwithstanding any other law, a coalition member may replace high school courses on the high school transcript with courses on the same subject matter with equal or greater rigor to the required high school course and may count such a course as satisfying the equivalent diploma requirements established by IC 20 and any applicable state board administrative rules or requirements. If the coalition member school offers courses that are not aligned with requirements adopted by the state board under IC 20-30-10, a parent of a student and the student who intends to enroll in a course that is not aligned with requirements adopted by the state board under IC 20-30-10 must provide consent to the coalition member school to enroll in the course. The consent form used by the coalition, which shall be developed in collaboration with the commission for higher education, must notify the parent and the student that enrollment in the course may affect the student's ability to attend a particular postsecondary educational institution or enroll in a particular course at a particular postsecondary educational institution because the course does not align with requirements established by the state board under



IC 20-30-10.

SECTION 5. IC 20-31-4.1-7, AS ADDED BY P.L.92-2020, SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 7. A school or group of schools that submits an application under section 4 of this chapter may not request to waive any of the following provisions:

- IC 20-26-5-10 (criminal history and child protection index check).
- IC 20-27-7 (school bus inspection and registration).
- IC 20-27-8-1 (school bus drivers and monitors).
- IC 20-27-8-2 (school bus driver driving summary).
- IC 20-27-10-3 (capacity of school bus).
- IC 20-28 (school teachers).
- IC 20-29 (collective bargaining).
- IC 20-30-5-0.5 (display of United States flag; Pledge of Allegiance).
- IC 20-30-5-1 (constitutions).
- IC 20-30-5-2 (constitutions; interdisciplinary course).
- IC 20-30-5-3 (protected writings).
- IC 20-30-5-4 (American history).
- IC 20-30-5-4.5 (moment of silence).
- IC 20-30-5-5 (morals instruction).
- IC 20-30-5-6 (good citizenship instruction).
- IC 20-30-5-13 (human sexuality instructional requirements).
- IC 20-30-5-17 (access to materials; consent for participation).
- IC 20-30-5-21 (contrary student instruction not permitted).
- IC 20-30-5-22 (Indiana studies).
- IC 20-31 (accountability for performance and improvement).
- IC 20-32-4 (graduation requirements).
- IC 20-32-5.1 (Indiana's Learning Evaluation Assessment Readiness Network (ILEARN) program).
- IC 20-33-1 (equal educational opportunity).
- IC 20-34 (student health and safety measures).
- IC 20-35 (special education).
- IC 20-35.5 (dyslexia screening and intervention).**
- IC 20-36 (high ability students).
- IC 20-39 (accounting and financial reporting procedures).
- IC 20-40 (government funds and accounts).
- IC 20-41 (extracurricular funds and accounts).
- IC 20-42 (fiduciary funds and accounts).
- IC 20-42.5 (allocation of expenditures to student instruction and learning).
- IC 20-43 (state tuition support).



- IC 20-44 (property tax levies).
- IC 20-46 (levies other than general fund levies).
- IC 20-47 (related entities; holding companies; lease agreements).
- IC 20-48 (borrowing and bonds).
- IC 20-49 (state management of common school funds; state advances and loans).
- IC 20-50 (homeless children and foster care children).
- IC 20-51 (school scholarships).



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President of the Senate

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President Pro Tempore

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Speaker of the House of Representatives

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Governor of the State of Indiana

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

