

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. 290

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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 20-19-3-23.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2022]: **Sec. 23.5. (a) The department shall establish a career coaching pilot program to award grants to school corporations to establish career coaching programs for students of the school corporation.**

**(b) The department shall do the following:**

- (1) Establish requirements for participation in the pilot program.**
- (2) Select school corporations to participate in the pilot program.**
- (3) Determine the amount of and award grants to school corporations under the pilot program.**
- (4) Collect information regarding the career coaching programs implemented by the school corporations participating in the pilot program.**
- (5) Collect information from the following individuals or entities participating in the career coaching pilot program:**
  - (A) Counselors.**
  - (B) Third party vendors.**
  - (C) Any other appropriate individuals or entities, as determined by the department.**



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

- (1) a counselor employed by the school corporation;**
- (2) a third party vendor that provides career coaching services; or**
- (3) both counselors and third party vendors.**

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

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

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

**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.**

**SECTION 3. 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) 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 the total amount of state tuition support that a school corporation receives or will receive during a school year decreases under this section by an amount that is equal to or more than two hundred fifty thousand dollars (\$250,000) from the amount the school corporation would otherwise be eligible to receive during the school year as determined under IC 20-43, the budget committee shall review the amount of and the reason for the decrease before implementation of the decrease.**

SECTION 4. IC 20-43-3-7, AS AMENDED BY P.L.213-2015, SECTION 212, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 7. (a) This section applies to distributions under this article that are computed in any part based on a count of students under IC 20-43-4-2.

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

SECTION 5. IC 20-43-4-2, AS AMENDED BY P.L.165-2021, SECTION 162, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 2. (a) **Subject to section 3.7 of this**



**chapter**, a school corporation's ADM is the number of eligible pupils enrolled in:

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

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

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

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

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

~~(b)~~ **(c)** Each school corporation shall, before April 1 of each year, provide to the department an estimate of the school corporation's ADM that will result from the count of eligible pupils in the following September. The department may update and adjust the estimate as determined appropriate by the department. In each odd-numbered year, the department shall provide the updated and adjusted estimate of the school corporation's ADM to the legislative services agency before April 10 of that year.

~~(c)~~ **(d)** A new charter school shall submit an enrollment estimate to the department before April 1 of the year the new charter school will be open for enrollment. The department shall use the new charter school's enrollment estimate as the basis for the new charter school's distribution beginning in July and until actual ADM is available, subject to section 9 of this chapter. However, if the new charter school's enrollment estimate is greater than eighty percent (80%) of the new charter school's authorized enrollment cap, the department may use that enrollment estimate if the department has requested and reviewed other enrollment data that support that enrollment estimate. However, if the enrollment data requested and reviewed by the department does not support the enrollment estimate submitted by the new charter school, the department shall determine the estimated ADM based on the



enrollment data requested and reviewed by the department. In each odd-numbered year, the department shall provide the new charter school's estimated ADM to the legislative services agency before April 10 of that year.

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

(1) The fall count of ADM shall be made on a day during September fixed by the state board.

(2) The spring count of ADM shall be made on a day during February fixed by the state board.

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

(1) student in-migration;

(2) illness;

(3) natural disaster; or

(4) other unusual conditions in a particular school corporation's enrollment;

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

SECTION 7. IC 20-43-4-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 3.5. (a) The state board may adjust an enrollment count of eligible pupils of one (1) or more school corporations under this section not later than a date established under the rules adopted by the state board.

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

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



enrollment count for the one (1) or more school corporations after review by the budget committee.

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

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

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

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

(b) If the state board determines that the:

- (1) count day or subsequent adjustment date is unrepresentative of the enrollment of one (1) or more school corporations as described in subsection (a); and
- (2) enrollment count of the one (1) or more school corporations described in subdivision (1) would be unrepresentative by a count that would increase or decrease the total distribution of state tuition support in an amount that is less than two hundred fifty thousand dollars (\$250,000) as a result of changing the count day;

the state board may designate another day for determining the enrollment of the one (1) or more school corporations.

(c) If the state board determines that the:

- (1) count day or subsequent adjustment date is unrepresentative of the enrollment of one (1) or more school corporations as described in subsection (a); and
- (2) enrollment count of the one (1) or more school corporations described in subdivision (1) would be unrepresentative by a count that would increase or decrease the total distribution of state tuition support in an amount that is equal to or more than two hundred fifty thousand dollars (\$250,000) as a result of changing the count day;

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



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

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

(c) If the state board adjusts a count of ADM after a distribution is made under this article, the adjusted count retroactively applies to the amount of state tuition support distributed to a school corporation affected by the adjusted count. The department shall settle any overpayment or underpayment of state tuition support resulting from an adjusted count of ADM on the schedule determined by the department and approved by the budget agency.

SECTION 10. [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 11. An emergency is declared for this act.



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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: \_\_\_\_\_

