

Second Regular Session of the 123rd General Assembly (2024)

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 2023 Regular Session of the General Assembly.

## SENATE ENROLLED ACT No. 1

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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.201-2023, SECTION 157, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: 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).

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- (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)~~ **IC 20-32-8.5-2** (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).
- (22) IC 22-2-18, before its expiration on June 30, 2021 (limitations on employment of minors).
- (23) IC 20-26-12-1 (curricular material purchase and provision; public school students).
- (24) IC 20-26-12-2 (curricular material purchase and rental).

SECTION 2. IC 20-24.2-4-3, AS AMENDED BY P.L.250-2023, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 3. (a) Except as specifically provided in this article and section 4 of this chapter, the following provisions of this title and a rule or guideline adopted by the state board under one (1) of the following provisions of this title do not apply to a qualified district or qualified high school:

- (1) Provisions that do not apply to school corporations in general.
- (2) IC 20-20 (programs administered by the state), except for IC 20-20-1 (educational service centers).
- (3) IC 20-28 (school teachers), except for 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 or misdemeanors; 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), and IC 20-28-11.5 (staff performance evaluations).



(4) IC 20-30 (curriculum), except for IC 20-30-3-2 and IC 20-30-3-4 (patriotic commemorative observances), IC 20-30-5-13 (human sexuality instructional requirements), and IC 20-30-5-19 (personal financial responsibility instruction).

(5) IC 20-32 (student standards, assessments, and performance), except for IC 20-32-4 (graduation requirements), IC 20-32-5 (Indiana statewide testing for educational progress for a school year ending before July 1, 2018), IC 20-32-5.1 (statewide assessment program for a school year beginning after June 30, 2018), and IC 20-32-8 (remediation), and **IC 20-32-8.5 (reading improvement and remediation plans)**.

(6) IC 20-37 (career and technical education).

(b) Notwithstanding any other law, a school corporation may not receive a decrease in state funding based upon the school corporation's status as a qualified district or the status of a high school within the school corporation as a qualified high school, or because of the implementation of a waiver of a statute or rule that is allowed to be waived by a qualified district or qualified high school.

SECTION 3. IC 20-24.2-4-4, AS AMENDED BY P.L.250-2023, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: 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 20-23 (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 or misdemeanors; 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 20-32-8.5 (reading improvement and remediation plans).**

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 4. IC 20-26.5-2-3, AS AMENDED BY P.L.201-2023, SECTION 167, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: 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, except for the provision of curricular materials at no cost to a student in a public school.

IC 20-26-12-2, except for the prohibition of renting curricular



materials to students enrolled in a public school.

IC 20-26-12-24.

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 20-32-8.5 (reading improvement and remediation plans).**

~~(7)~~ **(8)** IC 20-33 (students).

~~(8)~~ **(9)** IC 20-34 (student health and safety measures).

~~(9)~~ **(10)** IC 20-35 (special education).

~~(10)~~ **(11)** IC 20-35.5 (dyslexia screening and intervention).

~~(11)~~ **(12)** IC 20-36 (high ability students).

~~(12)~~ **(13)** IC 20-39 (accounting and financial reporting procedures).

~~(13)~~ **(14)** IC 20-40 (government funds and accounts).

~~(14)~~ **(15)** IC 20-41 (extracurricular funds and accounts).

~~(15)~~ **(16)** IC 20-42 (fiduciary funds and accounts).

~~(16)~~ **(17)** IC 20-42.5 (allocation of expenditures to student instruction and learning).

~~(17)~~ **(18)** IC 20-43 (state tuition support).

~~(18)~~ **(19)** IC 20-44 (property tax levies).



- ~~(19)~~ **(20)** IC 20-46 (levies other than general fund levies).
- ~~(20)~~ **(21)** IC 20-47 (related entities; holding companies; lease agreements).
- ~~(21)~~ **(22)** IC 20-48 (borrowing and bonds).
- ~~(22)~~ **(23)** IC 20-49 (state management of common school funds; state advances and loans).
- ~~(23)~~ **(24)** 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 20-28-5-19.7, AS ADDED BY P.L.243-2023, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 19.7. (a) Not later than July 1, 2024, the state board shall establish and require a literacy endorsement for individuals first licensed after June 30, 2025, to teach a content area involving literacy instruction, including special education, in prekindergarten through grade 5.

(b) **Except as provided in section 19.8(a) of this chapter, beginning July 1, 2025, 2027, the department may not renew a practitioner license or an accomplished practitioner license, or a comparable license under prior rules, issued to an individual who,**

- ~~(1)~~ **is first licensed after June 30, 2025; and**
- ~~(2)~~ based on the content area for which the individual is licensed, including special education, provides literacy instruction to



students in prekindergarten through grade 5 unless the individual receives a literacy endorsement under this section.

(c) To be eligible to receive a literacy endorsement, an individual must meet the following:

(1) Complete eighty (80) hours of evidence based professional development that is:

(A) aligned to the science of reading; **and**

~~(B) provided by an organization accredited by the International Dyslexia Association; and~~

~~(C) (B) approved by the department.~~

(2) Demonstrate proficiency in scientifically based reading instruction skills aligned to the science of reading on a written examination or through other procedures prescribed by the department in accordance with this section.

~~(d) Of The eighty (80) hours of evidence based professional development required under subsection (c)(1), at least forty (40) hours must be completed through live sessions, which may be attended in person or virtually, taught by a certified facilitator. (c)(1) must provide individualized and on demand support.~~ The evidence based professional development required under subsection (c)(1) must:

(1) promote explicit, systematic, and cumulative instruction as the primary approach to literacy instruction;

(2) promote an understanding of how language, reading, and writing relate to each other;

(3) promote strategies for differentiated instruction for:

(A) students with:

(i) reading difficulties; or

(ii) disabilities; and

(B) English language learners;

(4) focus on phonemic awareness, phonics, fluency, vocabulary, and comprehension; and

(5) allow participants to implement the strategies into a classroom environment with the opportunity for feedback throughout the professional development experience.

(e) The written examination required under subsection (c)(2) shall ensure the individual demonstrates the ability to:

(1) effectively teach foundational reading skills, phonemic awareness, phonics, fluency, vocabulary, and comprehension;

(2) implement reading instruction using high quality instructional materials aligned to the science of reading; and

(3) provide effective instruction and interventions for students with reading deficiencies.



(f) The department shall approve and provide the evidence based professional development necessary for an individual to receive a literacy endorsement under this section.

(g) The department shall establish the procedure for an existing teacher to add the literacy endorsement established under this section to the teacher's license.

(h) The state board shall adopt rules under IC 4-22-2 to do the following:

- (1) Adopt, validate, and implement the examination or other procedures required by subsection (c)(2).
- (2) Establish examination scores indicating proficiency.
- (3) Otherwise carry out the purposes of this section.

SECTION 6. IC 20-28-5-19.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 19.8. (a) An individual described in section 19.7(b) of this chapter who cannot comply with the requirements of section 19.7 of this chapter may apply for a waiver from the department in a form and manner prescribed by the department.**

**(b) Subject to subsection (d), if the department determines that an individual described in subsection (a) cannot comply with the requirements of section 19.7 of this chapter, the department may grant the individual a waiver that provides an exception to the requirements.**

**(c) The department may grant a waiver under this section to an individual that:**

- (1) is not more than one (1) year; and**
- (2) does not extend beyond July 1, 2028.**

**However the department may extend the waiver described in this subsection if the department determines a hardship exists for the individual in meeting the requirements under section 19.7 of this chapter.**

**(d) Before the department may grant a waiver under this section, the department shall submit a report not later than December 1, 2026, to the legislative council in an electronic format under IC 5-14-6 that contains the following information:**

- (1) The progress made by the department toward the requirements in section 19.7 of this chapter.**
- (2) The progress made by the department toward the goal of student literacy in Indiana.**
- (3) Barriers and challenges that remain for all individuals described in section 19.7(b) of this chapter to achieving the**





requirements of section 19.7 of this chapter.

**(4) The reasons the department's waiver authority under this section is necessary.**

**(5) Any other recommendations the department may have for educators, communities, parents, schools, teacher preparation programs, and the general assembly for achieving:**

**(A) full compliance with the requirements of section 19.7 of this chapter; and**

**(B) student literacy goals of the state.**

SECTION 7. IC 20-30-7-1, AS AMENDED BY P.L.167-2018, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. **(a) Except as provided in subsection (c),** the state board may prescribe a program of summer school education for public schools. **Subject to subsection (b),** the state board shall adopt rules under IC 4-22-2 to provide for:

(1) summer school programs; and

(2) the state distribution formula for any money appropriated by the general assembly for summer school education to allow for the reimbursement for:

(A) instructional costs; and

(B) costs of tuition for an applicable online summer school course.

**(b) The state board shall give priority reimbursement, which must be exempt from the distribution formula adopted by the state board under subsection (a), for all eligible costs for summer school courses that include curriculum aligned with the science of reading designated by the department to support students in:**

**(1) grade 2 who are at risk of not being reading proficient; and**

**(2) grade 3 who are not reading proficient;**

**as indicated on the determinant evaluation of reading skills approved by the state board under IC 20-32-8.5-2.**

**(c) A state accredited nonpublic school and an eligible school (as defined in IC 20-51-1-4.7) shall be eligible for summer school funding for courses that include curriculum aligned with the science of reading designated by the department to support students in:**

**(1) grade 2 who are at risk of not being reading proficient; and**

**(2) grade 3 who are not reading proficient;**

**as indicated on the determinant evaluation of reading skills approved by the state board under IC 20-32-8.5-2.**



SECTION 8. IC 20-30-7-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 13. (a) This section applies to:**

- (1) a public school, including a charter school;**
- (2) a state accredited nonpublic school; and**
- (3) an eligible school (as defined in IC 20-51-1-4.7).**

**(b) Beginning with the 2024-2025 school year, a school shall offer summer school courses designated by the department to support students in:**

- (1) grade 2 who are at risk of not being reading proficient; and**
- (2) grade 3 who are not reading proficient;**

**as indicated on the determinant evaluation of reading skills approved by the state board under IC 20-32-8.5-2.**

**(c) A summer school course described in subsection (b) must:**

- (1) be taught by a teacher, instructor, or tutor who is trained in the science of reading as determined by the department; and**
- (2) use curriculum or intervention materials aligned with the science of reading.**

**(d) If a student described in subsection (b) does not achieve at least a ninety percent (90%) attendance rate in a summer reading course described in subsection (b), the student shall participate in an individual reading plan aligned with the science of reading in the following school year.**

SECTION 9. IC 20-31-4.1-7, AS AMENDED BY P.L.201-2023, SECTION 169, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **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 20-24-8-2 (prohibited acts).
- IC 20-26-5-10 (criminal history and child protection index check).
- IC 20-26-12-1 (curricular material purchase and provision; public school students).
- IC 20-26-12-2 (curricular material purchase and rental).
- 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 20-32-8.5 (reading improvement and remediation plans).**

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).

SECTION 10. IC 20-32-1-1, AS AMENDED BY P.L.92-2020, SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 1. **Except as provided in IC 20-32-8.5**, this article applies only to the following:

(1) Public schools.

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(2) State accredited nonpublic schools.

SECTION 11. IC 20-32-2-2.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 2.1. "Retention" means an individual repeating the same grade level in a subsequent school year that the individual participated in during the immediately preceding school year.**

SECTION 12. IC 20-32-2-3, AS AMENDED BY P.L.92-2020, SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 3. Except as provided in IC 20-32-8.5-0.7, "student" means an individual who is enrolled in:**

- (1) a public school;
- (2) a state accredited nonpublic school; or
- (3) another nonpublic school that has requested and received from the state board specific approval of the school's educational program.

SECTION 13. IC 20-32-5.1-6, AS AMENDED BY P.L.43-2021, SECTION 105, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 6. (a) The state board shall:**

- (1) authorize and oversee the department's development and implementation of the Indiana's Learning Evaluation Assessment Readiness Network (ILEARN) program, including:
  - (A) establishment of criteria for requests for proposals for statewide assessments developed or authorized under this chapter;
  - (B) establishment of criteria for membership of evaluation teams; and
  - (C) establishment of criteria for content and format of the statewide assessment; and
- (2) require the department to conduct ongoing analysis of whether the statewide assessment results are predictive of success in college and career training programs.

(b) The passing scores on a statewide assessment must be determined by statistically valid and reliable methods as determined by independent experts selected by the state board.

(c) The state board, in consultation with The Arc of Indiana and Indiana Council of Administrators of Special Education (ICASE), shall select one (1) or more individuals who specialize in special education who shall, in turn, be consulted with by the state board as part of the state board's oversight of the development and implementation of the Indiana's Learning Evaluation Assessment Readiness Network (ILEARN) program.



(d) The secretary of education, with the approval of the state board, is responsible for the development, implementation, and monitoring of the Indiana's Learning Evaluation Assessment Readiness Network (ILEARN) program.

(e) The department shall prepare detailed design specifications for the statewide assessment developed under this chapter that must do the following:

- (1) Take into account the academic standards adopted under IC 20-31-3.
- (2) Include testing of students' higher level cognitive thinking in each subject area tested.

(f) A statewide assessment described in section 7 of this chapter may be in a form that allows the department and the state board, to the extent possible, to compare the proficiency of Indiana students to the proficiency of students in other states. A statewide assessment may consist of original test items for Indiana's exclusive use if the state board determines that:

- (1) developing original test items for Indiana's exclusive use will result in cost savings; or
- (2) it would be impractical to develop a statewide assessment adequately aligned to Indiana's academic standards without including original test items developed for Indiana's exclusive use.

**(g) The state board shall establish a method for virtual administration of the statewide assessment described in section 7 of this chapter.**

SECTION 14. IC 20-32-5.1-17, AS AMENDED BY P.L.245-2023, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 17. (a) The state board shall approve two (2) or more benchmark, formative, interim, or similar assessments to identify students that require remediation and provide individualized instruction in which a school corporation, charter school, state accredited nonpublic school, or eligible school (as defined in IC 20-51-1-4.7) may receive a grant under subsection (g).

(b) For a benchmark, formative, interim, or similar assessment described in subsection (a) that is administered to students in kindergarten through grade 2, the assessment must meet one (1) or more of the following:

- (1) The assessment:
  - (A) focuses on English/language arts; and
  - (B) shows alignment, verified by a third party, to Indiana's academic standards for English/language arts domains,



specifically foundational reading skills.

- (2) The assessment is a universal screener that:
- (A) meets the screening requirements listed in IC 20-35.5-2-2;
  - (B) measures foundational reading skills; ~~and~~
  - (C) received a convincing or partially convincing rating for accuracy, reliability, and validity by the National Center on Intensive Intervention or a nationally recognized dyslexia assessment expert;
  - (D) screens for early literacy skill deficits;**
  - (E) provides parents and schools with data analysis guides for interpreting results and comprehensive support for schools to guide classroom instruction and the implementation of reading interventions; and**
  - (F) provides the department with an annual analysis of statewide data trends to support identification of early literacy skill deficits and guides targeted intervention efforts.**
- (3) The assessment focuses on numeracy and shows alignment, verified by a third party, to Indiana's academic standards for mathematical domains, specifically:
- (A) number sense;
  - (B) computation and algebraic thinking; and
  - (C) measurement.
- (c) For a benchmark, formative, interim, or similar assessment described in subsection (a) that is administered to students in grades 3 through 7, the assessment must show alignment, verified by a third party, to Indiana's academic standards.
- (d) For a benchmark, formative, interim, or similar assessment described in subsection (a) that is administered to students in grades 8 through 10, the assessment must show alignment, verified by a third party, to:
- (1) Indiana's academic standards; or
  - (2) the nationally recognized college entrance exam required to be administered under section 7 of this chapter.
- (e) This subsection does not apply to an assessment that is a universal screener described in subsection (b)(2). The majority of the benchmark, formative, interim, or similar assessment reporting must indicate the degree to which students are on track for grade level proficiency and college and career readiness. Approved assessments must also provide predictive study results for student performance on the statewide assessment under section 7 of this chapter, not later than two (2) years after the summative assessment has been first



administered.

(f) This subsection does not apply to an assessment that is a universal screener described in subsection (b)(2). A school corporation, charter school, state accredited nonpublic school, or eligible school (as defined in IC 20-51-1-4.7) may elect to administer a benchmark, formative, interim, or similar assessment described in subsection (a). If a school corporation, charter school, state accredited nonpublic school, or eligible school (as defined in IC 20-51-1-4.7) administers an assessment described in subsection (a), the school corporation, charter school, state accredited nonpublic school, or eligible school (as defined in IC 20-51-1-4.7) may prescribe the time and the manner in which the assessment is administered.

(g) If a school corporation, charter school, state accredited nonpublic school, or eligible school (as defined in IC 20-51-1-4.7) elects to administer a benchmark, formative, interim, or similar assessment described in subsection (a), the school corporation, charter school, state accredited nonpublic school, or eligible school (as defined in IC 20-51-1-4.7) is entitled to receive a grant or reimbursement from the department in an amount not to exceed the cost of the assessment. The department shall provide grants and reimbursements to a school corporation, charter school, state accredited nonpublic school, or eligible school (as defined in IC 20-51-1-4.7) under this section from money appropriated to the department for the purpose of carrying out this section.

(h) **Except as provided in subsection (j)**, the state board and the department may not contract with, approve, or endorse the use of a single vendor to provide benchmark, formative, interim, or similar assessments for any grade level or levels of kindergarten through grade 7.

(i) Before the state board may approve a benchmark, formative, interim, or similar assessment described in subsection (a), the assessment vendor must enter into a data share agreement with the department in the manner prescribed by the department. **A vendor providing an assessment described in subsection (b)(2) shall provide a summary of a student's assessment results to the student and the student's parents. The summary of the results must be in an understandable format for parents that is easy to read.**

(j) **The department shall procure a preferred assessment that meets the requirements specified in subsection (b)(2) for use by schools in which fewer than seventy percent (70%) of students in the school achieved a valid passing score on the determinant evaluation of reading skills approved by the state board.**



**(k) This subsection applies to:**

- (1) a public school, including a charter school;**
- (2) a state accredited nonpublic school; and**
- (3) an eligible school (as defined in IC 20-51-1-4.7).**

**An elementary school shall administer an assessment described in subsection (b)(2) to students in kindergarten through grade 2. The department shall provide guidance as to the number of times the assessment is required and when the administrations of the assessment should occur.**

SECTION 15. IC 20-32-8.5-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 0.5. This chapter applies to:**

- (1) a public school, including a charter school;**
- (2) a state accredited nonpublic school; and**
- (3) an eligible school (as defined in IC 20-51-1-4.7).**

SECTION 16. IC 20-32-8.5-0.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 0.7. As used in this chapter, "student" means an individual who is enrolled in a school described in section 0.5 of this chapter.**

SECTION 17. IC 20-32-8.5-2, AS AMENDED BY P.L.245-2023, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 2. (a) Except as provided in subsection (b), ~~or (c)~~, the plan required by this chapter must include the following:**

- (1) Reading skill standards for grade 1 through grade 3.**
- (2) ~~An emphasis on~~ A method for making determinant evaluations by grade 3 that ~~might require~~ remedial action **is required** for the a student, including:**

- (A) beginning with evaluations administered during the 2024-2025 school year, and except as provided in subsection (c), retention of the student in grade 3 if the student has not achieved a passing score on the determinant evaluation of reading skills approved by the state board after the student has had an opportunity to retake the determinant evaluation in the summer; and**
- (B) the use of curricular materials and supplemental materials aligned to the science of reading that are designed to address deficiencies in reading;**

**retention as a last resort, after other methods of remediation have been evaluated or used, or both, if reading skills are below the standard. Appropriate consultation with parents or guardians must be part of the plan.**





- (3) A requirement that schools notify a student's parent of the following:**
- (A) The student's assessment results regarding skill level in:**
    - (i) phonemic awareness;**
    - (ii) phonics;**
    - (iii) fluency;**
    - (iv) vocabulary; and**
    - (v) comprehension.**
  - (B) The student's assessment results on the determinant evaluation of reading skills approved by the state board.**
  - (C) Any intervention provided to the student or any remedial action taken.**
- (4) A requirement that schools monitor the progress of students who failed to achieve a valid passing score on the:**
- (A) determinant evaluation of reading skills approved by the state board; or**
  - (B) statewide assessment program test.**
- (5) A requirement that schools provide reading instruction that includes a core reading program aligned with the science of reading to all students in kindergarten through grade 8.**
- (6) A requirement for the administration of the determinant evaluation of reading skills approved by the state board to students in grade 2.**
- (7) A requirement that all students take the determinant evaluation of reading skills approved by the state board until the student:**
- (A) receives a passing score, regardless of the student's grade level; or**
  - (B) enters grade 7.**
- (8) A requirement that a school report the following to the department:**
- (A) The literacy interventions that will be used for students in grade 2 who are at risk of not being reading proficient and students in grade 3 who do not achieve a valid passing score on the determinant evaluation of reading skills approved by the state board.**
  - (B) The literacy interventions in use before the adoption of the plan for students in grade 2 who are at risk of not being reading proficient and students in grade 3 who do not achieve a valid passing score on the determinant evaluation of reading skills approved by the state board.**



**(C) The literacy interventions in use before the adoption of the plan for students who do not achieve a valid passing score on the determinant evaluation of reading skills approved by the state board.**

**(D) The number of students being served by the interventions described in clauses (B) and (C).**

**(E) The cost of providing the interventions described in clauses (B) and (C).**

**(F) Any other information requested by the department.**

~~(3)~~ **(9) Requirements for a public school maintained by a school corporation in which fewer than seventy percent (70%) of students of the school achieved a valid passing score on the determinant evaluation of reading skills approved by the state board. The requirements for the public schools described in this subdivision that must include the following:**

**(A) Use of curriculum that is:**

- (i) based on the science of reading; and
- (ii) approved by the department.

**(B) Employment of the following:**

**(i) Before July 1, 2025, an instructional coach who is trained in the science of reading, as determined by the department. This item expires January 1, 2026.**

**(ii) After June 30, 2025, an instructional coach with a literacy related endorsement who is trained in the science of reading.**

~~(C)~~ **Administration of the determinant evaluation of reading skills approved by the state board to students in grade 2.**

~~(D)~~ **(C) Use of only benchmark, formative, interim, or similar assessments that:**

- (i) show alignment with Indiana's academic standards; and
- (ii) are approved by the department.

**(D) Use of a screener procured under IC 20-32-5.1-17(j).**

~~(4)~~ **(10) The fiscal impact of each component of the plan, if any. In determining whether a component has a fiscal impact, consideration shall be given to whether the component will increase costs to the state or a school corporation or require the state or school corporation to reallocate resources.**

~~(b)~~ **For a charter school, as defined in IC 20-24-1-4, a plan may include only the following:**

**(1) A method for making determinant evaluations of reading skills by grade 3.**

**(2) Retention as a last resort for students reading below grade**



level as measured by the evaluation or assessment.

~~(e) (b) This subsection applies to a public school that is not a charter school. A school corporation may receive a waiver of the requirements provided in 511 IAC 6.2-3.1-4(a)(2) if the state board approves an alternative reading plan provided by the school. corporation.~~

**(c) A student who would otherwise be subject to retention in grade 3 under the plan is not subject to the retention requirement only if the student meets one (1) of the following criteria:**

**(1) The student was subject to retention and has been retained in grade 3 for one (1) school year.**

**(2) The student has an intellectual disability or the student's individualized education program specifies that retention is not appropriate, and the student's case conference committee has determined that promotion to another grade is appropriate.**

**(3) The student is an English learner who has received services for fewer than two (2) years and a committee consisting of:**

**(A) the student's parent;**

**(B) a building level administrator or designee;**

**(C) a classroom teacher of service;**

**(D) an English learner teacher of record, if one exists; and**

**(E) an English learner district administrator, if one exists;**

**determines that promotion is appropriate based on the implementation of research based instructional practices outlined in the student's individual learning plan.**

**(4) The student received a score of proficient or above proficient in grade 3 math on the statewide summative assessment.**

**(5) The student:**

**(A) has received intensive intervention as determined by the department in reading for two (2) or more years; and**

**(B) was retained more than one (1) time throughout kindergarten, grade 1, or grade 2.**

**(d) A student who is not subject to the retention requirement as provided under (c) must be provided with additional reading instruction that is aligned with the science of reading until the student achieves a passing score on the determinant evaluation of reading skills approved by the state board.**

**(e) This subsection applies after June 30, 2024. Before October 1 of each school year the department shall:**

**(1) identify each incoming student (as defined in section 0.7 of**



**this chapter) enrolled in kindergarten in a school in Indiana;  
and**

**(2) notify the parent or guardian of the student of the retention requirement under this chapter for grade 3 students who do not achieve a passing score on the Indiana reading evaluation and determination (IRead3).**

**(f) The department shall establish a standard reporting process and reporting window for schools to report students who qualify for an exemption under subsection (c).**

**SECTION 18. IC 20-32-8.5-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 2.5. The governing body of a school or the equivalent authority of a charter school, state accredited nonpublic school, or eligible school (as defined in IC 20-51-1-4.7) shall establish a procedure that allows a parent of a student who:**

**(1) has been retained in grade 3 under the plan; and**

**(2) would not be subject to retention for other reasons;**

**to appeal the student's retention if the parent believes the student meets an exception under section 2(c) of this chapter.**

**SECTION 19. 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: \_\_\_\_\_

**SEA 1 — Concur**

