



March 26, 2021

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# ENGROSSED HOUSE BILL No. 1008

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DIGEST OF HB 1008 (Updated March 23, 2021 6:28 pm - DI 142)

**Citations Affected:** IC 20-32; noncode.

**Synopsis:** Student learning recovery grant program. Establishes the: (1) student learning recovery grant program; and (2) student learning recovery grant program fund (fund). Provides that, to be eligible to receive a grant, an eligible entity must develop and submit a student learning acceleration plan (plan). Establishes requirements for a plan and certain information reporting requirements for those eligible entities that are awarded a grant. Appropriates to the fund from the state general fund for the purposes of the program \$150,000,000 for the 2021 state fiscal year.

**Effective:** Upon passage.

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## McNamara, Carbaugh, Engleman, Porter

(SENATE SPONSORS — MISHLER, MESSMER, QADDOURA)

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January 14, 2021, read first time and referred to Committee on Ways and Means.  
January 28, 2021, amended, reported — Do Pass.  
February 1, 2021, read second time, ordered engrossed. Engrossed.  
February 2, 2021, read third time, passed. Yeas 94, nays 2.

SENATE ACTION

February 11, 2021, read first time and referred to Committee on Appropriations.  
March 25, 2021, amended, reported favorably — Do Pass.

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March 26, 2021

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

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2020 Regular Session of the General Assembly.

## ENGROSSED HOUSE BILL No. 1008

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A BILL FOR 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:*

1 SECTION 1. IC 20-32-8.7 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
3 UPON PASSAGE]:

4 **Chapter 8.7. Student Learning Recovery Grant Program and**  
5 **Fund**

6 **Sec. 1. As used in this chapter, "eligible entity" refers to an**  
7 **entity that meets criteria established by the department under**  
8 **section 6 of this chapter.**

9 **Sec. 2. As used in this chapter, "fund" refers to the student**  
10 **learning recovery grant program fund established by section 12 of**  
11 **this chapter.**

12 **Sec. 3. As used in this chapter, "plan" refers to a student**  
13 **learning recovery plan developed by an eligible entity under**  
14 **section 8 of this chapter.**

15 **Sec. 4. As used in this chapter, "program" refers to the student**  
16 **learning recovery grant program established by section 5 of this**  
17 **chapter.**

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1           **Sec. 5. (a) The student learning recovery grant program is**  
2 **established to provide grants to an eligible entity for the purpose**  
3 **of providing recovery learning and remediation to students in**  
4 **kindergarten through grade 12 who:**

5           **(1) have experienced learning loss;**

6           **(2) have fallen behind in acquiring anticipated grade level**  
7 **academic skills and knowledge;**

8           **(3) have scored below academic standards or average**  
9 **benchmarks; or**

10           **(4) are at risk of falling below academic standards;**  
11 **due to the disruption in student education caused by the**  
12 **coronavirus disease (COVID-19) pandemic and insufficient**  
13 **instructional alternatives.**

14           **(b) The department shall administer the program.**

15           **(c) The department may award grants to eligible entities under**  
16 **the program in state fiscal year 2021, state fiscal year 2022, and**  
17 **state fiscal year 2023.**

18           **Sec. 6. The department, in consultation with the state board,**  
19 **shall establish criteria for determining who is considered an**  
20 **eligible entity. In determining eligibility criteria, the department**  
21 **shall consider a broad range of educational and remedial resources**  
22 **including institutions of higher education, community based**  
23 **organizations, and philanthropic organizations, as well as current,**  
24 **prospective, and retired teachers, in addition to school**  
25 **corporations, charter schools, and accredited nonpublic schools, as**  
26 **well as ways to encourage partnerships between two (2) or more of**  
27 **these entities.**

28           **Sec. 7. To be eligible to receive a grant under this chapter, an**  
29 **eligible entity must do the following:**

30           **(1) Apply on a form and in a manner established by the**  
31 **department.**

32           **(2) Apply by a date established by the department.**

33           **(3) Develop and submit to the department a student learning**  
34 **recovery plan that meets the requirements in section 8 of this**  
35 **chapter and any other requirements established by the**  
36 **department.**

37           **(4) Specify the amount requested in the student learning**  
38 **recovery plan submitted by the eligible entity under**  
39 **subdivision (3).**

40           **Sec. 8. (a) To be eligible to receive a grant under this chapter, an**  
41 **eligible entity must develop and submit to the department a student**  
42 **learning recovery plan to provide recovery learning and recovery**



1 learning to students of the eligible entity described in section 5(a)  
2 of this chapter.

3 (b) A plan developed under subsection (a) must do the following:

4 (1) Address learning loss associated with the purpose of the  
5 program described in section 5(a) of this chapter.

6 (2) Provide for recovery learning to be offered in an in person  
7 setting, and may not offer recovery learning in a virtual  
8 setting.

9 (3) Include requirements that if the eligible entity receives any  
10 federal grants or money for a similar purpose in which the  
11 eligible entity is requesting a grant under this chapter, the  
12 eligible entity must use the federal grant or money before  
13 using any grant money awarded by the department under  
14 section 9 of this chapter.

15 Sec. 9. (a) If an eligible entity meets the requirements under this  
16 chapter, the department may award a grant under this chapter to  
17 the eligible entity in an amount determined by the department.

18 (b) The department may give priority to eligible entities that  
19 have not, and are not expected to, receive federal stimulus funds.

20 (c) If an eligible entity that receives a grant under this chapter  
21 is a school corporation, the grant amount is not subject to collective  
22 bargaining under IC 20-29. Notwithstanding IC 20-29-6-3, grant  
23 money received under this chapter is not considered revenue in the  
24 school corporation's education fund for purposes of determining  
25 whether the school corporation is in a position of deficit financing  
26 under IC 20-29-6-3.

27 Sec. 10. An eligible entity that receives a grant under this  
28 chapter shall use the grant to implement the plan developed and  
29 submitted by the eligible entity under section 7(3) of this chapter.

30 Sec. 11. Subject to the federal Family Educational Rights and  
31 Privacy Act (20 U.S.C. 1232g and 34 CFR Part 99), upon request  
32 by a student's parent, a school shall provide to an eligible entity  
33 awarded a grant under this chapter student records necessary to  
34 conduct remedial or recovery learning in accordance with the  
35 purpose of the program described in section 5 of this chapter,  
36 including:

37 (1) benchmark;

38 (2) diagnostic;

39 (3) formative; or

40 (4) summative;

41 assessment results.

42 Sec. 12. Each eligible entity that is awarded a grant under this



1 chapter shall compile information in the aggregate on the:

- 2 (1) benchmark;  
 3 (2) diagnostic;  
 4 (3) formative; and  
 5 (4) summative;

6 assessment results for all students served by the grant funds and  
 7 submit a report of the information to the budget committee and, in  
 8 an electronic format under IC 5-14-6, the legislative council before  
 9 July 1, 2022, and before July 1, 2023.

10 Sec. 13. (a) The student learning recovery grant program fund  
 11 is established for the purpose of providing grants to eligible entities  
 12 under the program.

13 (b) The department shall administer the fund.

14 (c) The fund consists of the following:

- 15 (1) Appropriations by the general assembly.  
 16 (2) Interest deposited in the fund under subsection (d).  
 17 (3) Donations, gifts, and money received from any other  
 18 source, including transfers from other funds or accounts.

19 (d) The treasurer of state shall invest money in the fund not  
 20 currently needed to meet the obligations of the fund in the same  
 21 manner as other public money may be invested. Interest that  
 22 accrues from these investments shall be deposited in the fund.

23 (e) All money accruing to the fund is appropriated continuously  
 24 for the purposes of the fund.

25 (f) Money in the fund at the end of a state fiscal year does not  
 26 revert to the state general fund.

27 Sec. 14. (a) Not later than July 1, 2022, and July 1, 2023, the  
 28 department shall prepare an annual report that includes the  
 29 following:

- 30 (1) A list of all of the eligible entities that participated in the  
 31 program.  
 32 (2) The amount of the grant awarded to each participating  
 33 eligible entity.  
 34 (3) The total amount of grants awarded under this chapter.

35 (b) The department shall submit the report described in  
 36 subsection (a) to the:

- 37 (1) governor; and  
 38 (2) legislative council in an electronic format under IC 5-14-6.

39 Sec. 15. The state board may adopt rules under IC 4-22-2  
 40 necessary to implement this chapter.

41 Sec. 16. There is appropriated to the fund one hundred fifty  
 42 million dollars (\$150,000,000) from the state general fund for the



1 purposes of providing grants under this chapter for the state fiscal  
2 year beginning July 1, 2020, and ending June 30, 2021.

3 **Sec. 17. This chapter expires July 1, 2023.**

4 SECTION 2. [EFFECTIVE UPON PASSAGE] (a) Money in the  
5 student learning recovery grant program fund established in  
6 IC 20-32-8.7-13, as added by this act, shall revert to the state  
7 general fund on June 30, 2023.

8 (b) This SECTION expires July 1, 2024.

9 SECTION 3. An emergency is declared for this act.



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1008, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 3, after "students" insert "**in kindergarten through grade 12**".

Page 2, line 21, after "charter schools," insert "**and**".

Page 2, line 21, delete "and virtual".

Page 2, line 22, delete "education providers,".

Page 2, line 38, delete "must:" and insert "**must do the following:**".

Page 2, line 39, delete "address" and insert "**Address**".

Page 2, line 40, delete "; and" and insert ".".

Page 2, between lines 40 and 41, begin a new line block indented and insert:

**"(2) Provide for recovery learning to be offered in an in person setting, and may not offer recovery learning in a virtual setting."**

Page 2, line 41, delete "(2) include" and insert "**(3) Include**".

and when so amended that said bill do pass.

(Reference is to HB 1008 as introduced.)

BROWN T

Committee Vote: yeas 23, nays 0.

## COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred House Bill No. 1008, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, between lines 14 and 15, begin a new paragraph and insert:

**"(c) The department may award grants to eligible entities under the program in state fiscal year 2021, state fiscal year 2022, and state fiscal year 2023."**

Page 2, line 22, before "nonpublic school" insert "**accredited**".

Page 2, between lines 33 and 34, begin a new line block indented

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and insert:

**"(4) Specify the amount requested in the student learning recovery plan submitted by the eligible entity under subdivision (3)."**

Page 3, between lines 11 and 12, begin a new paragraph and insert:

**"(b) The department may give priority to eligible entities that have not, and are not expected to, receive federal stimulus funds."**

Page 3, line 12, delete "(b)" and insert "(c)".

Page 3, between lines 33 and 34, begin a new paragraph and insert:

**"Sec 12. Each eligible entity that is awarded a grant under this chapter shall compile information in the aggregate on the:**

- (1) benchmark;**
- (2) diagnostic;**
- (3) formative; and**
- (4) summative;**

**assessment results for all students served by the grant funds and submit a report of the information to the budget committee and, in an electronic format under IC 5-14-6, the legislative council before July 1, 2022, and before July 1, 2023."**

Page 3, line 34, delete "Sec. 12." and insert "**Sec. 13.**".

Page 4, line 9, delete "Sec. 13." and insert "**Sec. 14.**".

Page 4, line 21, delete "Sec. 14." and insert "**Sec. 15.**".

Page 4, line 23, delete "Sec. 15." and insert "**Sec. 16.**".

Page 4, line 27, delete "Sec. 16." and insert "**Sec. 17.**".

Page 4, line 30, delete "IC 20-32-8.7-12," and insert "**IC 20-32-8.7-13,**".

and when so amended that said bill do pass.

(Reference is to HB 1008 as printed January 28, 2021.)

MISHLER, Chairperson

Committee Vote: Yeas 13, Nays 0.

