

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.

HOUSE ENROLLED ACT No. 1008

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 20-32-8.7 IS ADDED TO THE INDIANA CODE AS A **NEW CHAPTER** TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 8.7. Student Learning Recovery Grant Program and Fund

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

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

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

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

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

HEA 1008 — Concur



(1) have experienced learning loss;
 (2) have fallen behind in acquiring anticipated grade level academic skills and knowledge;
 (3) have scored below academic standards or average benchmarks; or
 (4) are at risk of falling below academic standards;
 due to the disruption in student education caused by the coronavirus disease (COVID-19) pandemic and insufficient instructional alternatives.

(b) The department shall administer the program.

(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.

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

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

- (1) Apply on a form and in a manner established by the department.
- (2) Apply by a date established by the department.
- (3) Develop and submit to the department a student learning recovery plan that meets the requirements in section 8 of this chapter and any other requirements established by the department.
- (4) Specify the amount requested in the student learning recovery plan submitted by the eligible entity under subdivision (3).

Sec. 8. (a) To be eligible to receive a grant under this chapter, an eligible entity must develop and submit to the department a student learning recovery plan to provide recovery learning and recovery learning to students of the eligible entity described in section 5(a) of this chapter.

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

- (1) Address learning loss associated with the purpose of the



program described in section 5(a) of this chapter.

(2) Identify metrics to measure learning recovery under the program as well as the proposed measurable and specific improvements to be made to demonstrate learning recovery.

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

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

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

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

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

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

Sec. 11. Before November 1, 2021, and before November 1, 2022, the department shall prepare, submit in an electronic format under IC 5-16-4, and present to the interim study committee on education established by IC 2-5-1.3-4(5) a report on the grants awarded under this chapter and the progress made by eligible entities awarded grants under this chapter in meeting the metrics and proposed improvements identified in the eligible entity's plan submitted under section 8(b)(2) of this chapter.

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

(b) The department shall administer the fund.

(c) The fund consists of the following:

(1) Appropriations by the general assembly.



(2) Interest deposited in the fund under subsection (d).

(3) Donations, gifts, and money received from any other source, including transfers from other funds or accounts.

(d) The treasurer of state shall invest 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.

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

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

Sec. 13. (a) Not later than July 1, 2022, and July 1, 2023, the department shall prepare an annual report that includes the following:

(1) A list of all of the eligible entities that participated in the program.

(2) The amount of the grant awarded to each participating eligible entity.

(3) The total amount of grants awarded under this chapter.

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

(1) governor; and

(2) legislative council in an electronic format under IC 5-14-6.

Sec. 14. The state board may adopt rules under IC 4-22-2 necessary to implement this chapter.

Sec. 15. There is appropriated to the fund one hundred fifty million dollars (\$150,000,000) from the state general fund for the purposes of providing grants under this chapter for the state fiscal year beginning July 1, 2020, and ending June 30, 2021.

Sec. 16. This chapter expires July 1, 2023.

SECTION 2. [EFFECTIVE UPON PASSAGE] (a) Money in the student learning recovery grant program fund established in IC 20-32-8.7-12 is appropriated for the purposes of the fund for the period beginning April 29, 2021, and ending June 30, 2023. Money in the student learning recovery grant program fund established in IC 20-32-8.7-12, as added by this act, shall revert to the state general fund on June 30, 2023.

(b) This SECTION expires July 1, 2024.

SECTION 3. An emergency is declared for this act.



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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