

HOUSE BILL No. 1278

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-18-2-9.5; IC 20-19-3-9.4; IC 20-24.2; IC 20-26-11-11.5; IC 20-27-13-5; IC 20-28-9-15; IC 20-30; IC 20-31-8-2.5; IC 20-33-2-19; IC 20-43.

Synopsis: Education matters. Provides that, for each school year, a school corporation shall conduct at least: (1) 900 hours of instructional time for students in grades 1 through 6; and (2) 1,080 hours of instructional time for students in grades 7 through 12. (Current law requires the following: (1) That a school corporation conducts at least 180 student instructional days. (2) That a student instructional day in grades 1 through 6 consists of at least five hours of instructional time and a student instructional day in grades 7 through 12 consists of at least six hours of instructional time.) Defines "instructional day". Simplifies and makes corresponding changes to reducing tuition support if a school corporation fails to conduct the minimum number of instructional hours during a school year. Repeals a provision that requires a qualified district or qualified high school to provide 64,800 minutes of instruction and learning for grades 9 through 12. Makes corresponding changes, including corresponding changes to the school flex program and to the calculation for determining full-time equivalency for average daily membership. Provides that, after June 30, 2022, a school's annual performance may not include English/language arts scores on the statewide assessment for a limited English proficient student who has been enrolled in schools in the United States for less than 12 months. Provides that a school's annual performance may measure only a particular student's growth in English/language arts on the statewide assessment if the particular student is a limited English proficient student who has been enrolled in schools in the United States for at least 12 months but less than 24 months.

Effective: Upon passage; July 1, 2021.

Judy

January 14, 2021, read first time and referred to Committee on Education.



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 BILL No. 1278

A BILL FOR AN ACT to amend the Indiana Code concerning education.

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

1 SECTION 1. IC 20-18-2-9.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2021]: **Sec. 9.5. "Instructional day" means any day of the school**
4 **year that students in kindergarten through grade 12 participate in**
5 **instructional time (as defined in IC 20-30-2-1).**

6 SECTION 2. IC 20-19-3-9.4, AS AMENDED BY P.L.93-2016,
7 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2021]: Sec. 9.4. (a) Beginning January 1, 2010, the
9 department may obtain and maintain student test number information
10 in a manner and form that permits any person who is authorized to
11 review the information to:

- 12 (1) access the information at any time; and
- 13 (2) accurately determine:
 - 14 (A) where each student is enrolled and attending classes; and
 - 15 (B) the number of students enrolled in a school corporation or
 - 16 charter school and residing in the area served by a school
 - 17 corporation;



1 as of any date after December 31, 2009, occurring before two (2)
 2 ~~regular~~ instructional days before the date of the inquiry.

3 Each school corporation and charter school shall provide the
 4 information to the department in the form and on a schedule that
 5 permits the department to comply with this section. The department
 6 shall provide technical assistance to school corporations and charter
 7 schools to assist school corporations and charter schools in complying
 8 with this section.

9 (b) Beginning with the 2015-2016 school year, each school
 10 corporation and charter school shall annually:

11 (1) determine, on a form prescribed by the department, whether
 12 a student who attends an adult high school (as defined under
 13 IC 20-24-1-2.3) or a student's parent or a member of the same
 14 household is a member of:

15 (A) the armed forces of the United States who is on active
 16 duty;

17 (B) the reserve component of a branch of the armed forces of
 18 the United States; or

19 (C) the national guard; and

20 (2) provide to the department a list of the students who have been
 21 identified under subdivision (1).

22 The information collected by a school corporation or charter school
 23 under subdivision (1) is considered confidential and shall be collected
 24 by the school corporation or charter school under guidelines for
 25 maintaining confidentiality established by the department. The
 26 department shall assign each student identified under subdivision (1)
 27 a unique identifier, which may be a modification of the student's test
 28 number assigned under subsection (a), by which data concerning
 29 military connected students may be disaggregated, including
 30 information concerning attendance records and academic progress.

31 SECTION 3. IC 20-24.2-3-1, AS AMENDED BY P.L.213-2015,
 32 SECTION 163, IS AMENDED TO READ AS FOLLOWS
 33 [EFFECTIVE JULY 1, 2021]: Sec. 1. (a) The state board shall establish
 34 stringent criteria to be used to determine whether a high school that
 35 does not meet the requirements under IC 20-24.2-2-2(b) may receive
 36 a waiver to ~~provide instructional days in the manner described in~~
 37 ~~IC 20-24.2-4-2~~ and be exempt from any or all of the statutes and rules
 38 listed in IC 20-24.2-4-3. The state board's criteria to approve a high
 39 school's waiver request must be based on a method or methods of
 40 measuring academic standards of the high school, as approved by the
 41 state board. The criteria must require the curriculum and instruction of
 42 a high school to create academic performance at a high level through



1 which students are college or career ready and globally competitive
2 upon graduation from high school.

3 (b) The state board shall submit the criteria developed by the state
4 board to grant a waiver under subsection (a) to the general assembly in
5 an electronic format under IC 5-14-6.

6 SECTION 4. IC 20-24.2-3-3, AS ADDED BY P.L.201-2013,
7 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2021]: Sec. 3. (a) If a high school provides a waiver request
9 that meets the requirements of section 2 of this chapter, the state board
10 may grant the high school's waiver request and certify the high school
11 as a qualified high school. If the state board grants the high school's
12 waiver request, the high school is considered to be certified as a
13 qualified high school and may provide student instructional days in the
14 manner described in ~~IC 20-24.2-4-2~~ and is exempt from any or all of
15 the statutes and rules listed in IC 20-24.2-4-3. The certification is
16 effective beginning with the school year following the school year in
17 which the high school is certified.

18 (b) The state board must act upon a high school's waiver request not
19 later than sixty (60) days after the waiver request is submitted to the
20 state board.

21 SECTION 5. IC 20-24.2-4-2 IS REPEALED [EFFECTIVE JULY
22 1, 2021]. Sec. 2. (a) ~~During each school year, a qualified district or
23 qualified high school shall provide at least sixty-four thousand eight
24 hundred (64,800) minutes of instruction and learning for grades 9
25 through 12.~~

26 (b) ~~A qualified district or qualified high school is not required to
27 provide at least one hundred eighty (180) student instructional days.
28 However, the total number of minutes of instruction provided in a
29 school year under subsection (a) may not be less than the greatest total
30 number of minutes provided during any one (1) school year of the five
31 (5) school years immediately preceding the school year.~~

32 (c) ~~Student activities that:~~

- 33 (1) ~~are organized by the qualified district or qualified high school;~~
- 34 (2) ~~occur outside the traditional classroom; and~~
- 35 (3) ~~are designed to provide instruction, academic enrichment, or
36 college and career readiness training;~~

37 ~~are included as student instructional time under subsection (a).~~

38 SECTION 6. IC 20-26-11-11.5, AS AMENDED BY P.L.108-2019,
39 SECTION 213, IS AMENDED TO READ AS FOLLOWS
40 [EFFECTIVE JULY 1, 2021]: Sec. 11.5. (a) The following definitions
41 apply to this section:

- 42 (1) "ADM" means average daily membership (as defined in



- 1 IC 20-18-2-2).
- 2 (2) "Facility" means a secure private facility described in
- 3 IC 31-9-2-115(a)(1).
- 4 (3) "School corporation" means the Indiana school or charter
- 5 school that is receiving state tuition support for the student at the
- 6 time of the student's admission to the facility.
- 7 (4) "Student" means an individual who:
- 8 (A) is more than five (5) years of age and less than
- 9 twenty-three (23) years of age;
- 10 (B) has been admitted to a facility; and
- 11 (C) was enrolled in a school corporation during the school year
- 12 immediately preceding the student's admission to the facility.
- 13 (b) This section applies to a student if:
- 14 (1) the student is placed in a facility under the written order of a
- 15 physician licensed under IC 25-22.5;
- 16 (2) the written order of the physician licensed under IC 25-22.5
- 17 is based on medical necessity, as determined by a physician
- 18 licensed under IC 25-22.5; and
- 19 (3) the student receives educational services provided by the
- 20 facility.
- 21 (c) A facility shall provide written notice to the school corporation
- 22 not later than five (5) business days (excluding weekends and holidays)
- 23 after a student described in subsection (b) is admitted to the facility.
- 24 The written notice must include the following:
- 25 (1) The student's name, address, and date of birth.
- 26 (2) The date on which the student was admitted to the facility.
- 27 (3) A copy of the physician's written order.
- 28 (4) A statement that the student has opted out of attending school
- 29 under IC 20-26-11-8.
- 30 (5) A statement that the facility will provide all educational
- 31 services to the student during the student's admission in the
- 32 facility.
- 33 (d) The school corporation shall pay the facility a ~~daily~~ **an hourly**
- 34 per diem as determined under subsection (e) for the educational
- 35 services provided by the facility to the student during the student's
- 36 admission in the facility. The school corporation may not be required
- 37 to pay for any educational services provided to the student by the
- 38 facility exceeding ~~one hundred eighty (180)~~ **the hours of instructional**
- 39 **days time required under IC 20-30-2-3** or an amount exceeding the
- 40 student's proportionate share of state distributions paid to the school
- 41 corporation, as determined under subsection (e).
- 42 (e) A school corporation shall pay to the facility an amount, prorated



1 according to the ~~number amount~~ of instructional ~~days time~~ for which
 2 the student receives the educational services, equal to:

3 (1) the student's proportionate share (as compared to the school
 4 corporation's total ADM) of basic tuition support (as determined
 5 under IC 20-43-6-3) distributions that are made to the school
 6 corporation for the school year; and

7 (2) any special education grants received by the school
 8 corporation for the student under IC 20-43-7.

9 Upon request of a facility, the department shall verify the amounts
 10 described in this subsection for a student admitted to the facility.

11 (f) A school corporation responsible for making a per diem payment
 12 under this section shall pay the facility not later than sixty (60) days
 13 after receiving an invoice from the facility. The school corporation and
 14 the facility are entitled to the same remedies for disagreements over
 15 amounts or nonpayment of an amount due as are provided under the
 16 laws governing transfer tuition.

17 (g) For each student admitted to a facility, the facility shall provide
 18 the following in accordance with rules adopted by the state board:

19 (1) An educational opportunity, including special education and
 20 related services, that is comparable to that of a student attending
 21 a school in the school corporation.

22 (2) A level of educational services from the facility that is
 23 comparable to that of a student attending a school in the school
 24 corporation.

25 (3) Unless otherwise provided in a student's individualized
 26 education program (as defined in IC 20-18-2-9), educational
 27 services that include at least the following:

28 ~~(A) An instructional day that meets the requirements of~~
 29 ~~IC 20-30-2-2.~~

30 ~~(B) (A) A school year with at least one hundred eighty (180)~~
 31 ~~student instructional days as provided that meets the~~
 32 ~~instructional time requirements~~ under IC 20-30-2-3.

33 ~~(C) (B) Educationally appropriate textbooks and other~~
 34 ~~materials.~~

35 ~~(D) (C) Educational services provided by licensed teachers.~~

36 (h) The state board shall adopt a rule that addresses the
 37 responsibilities of the school corporation and the facility with regard to
 38 a student with an individualized education program.

39 (i) This section does not limit a student's right to attend a school as
 40 provided in IC 20-26-11-8.

41 (j) The state board shall adopt rules under IC 4-22-2 as necessary to
 42 implement this section.



1 (k) The state board may adopt emergency rules in the manner
2 provided in IC 4-22-2-37.1 to implement this section.

3 SECTION 7. IC 20-27-13-5, AS ADDED BY P.L.145-2012,
4 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2021]: Sec. 5. Transportation provided under a transportation
6 program required under section 3 of this chapter may be limited by the
7 school corporation's governing body to providing transportation to
8 school immediately before the beginning of an instructional day ~~(as~~
9 ~~described in IC 20-30-2-2)~~ and from school immediately after the end
10 of an instructional day ~~(as described in IC 20-30-2-2)~~ without
11 additional accommodations for participation in extracurricular
12 activities.

13 SECTION 8. IC 20-28-9-15, AS ADDED BY P.L.1-2005,
14 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2021]: Sec. 15. If during the term of the teacher's contract:

16 (1) the school is closed by order of the:

17 (A) school corporation; or

18 (B) health authorities; or

19 (2) school cannot be conducted through no fault of the teacher;
20 the teacher shall receive regular payments during that time. If a
21 canceled student instructional day ~~(as defined in IC 20-30-2-2)~~ is
22 rescheduled to comply with IC 20-30-2, each teacher and
23 (notwithstanding IC 20-27-8-7) each school bus driver shall work on
24 that rescheduled day without additional compensation.

25 SECTION 9. IC 20-30-2-2, AS AMENDED BY P.L.201-2013,
26 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 JULY 1, 2021]: Sec. 2. (a) ~~A student instructional day in grades 1~~
28 ~~through 6 consists of at least five (5) hours of instructional time. Except~~
29 ~~as provided in subsection (b); (c); or (d); a student instructional day in~~
30 ~~grades 7 through 12 consists of at least six (6) hours of instructional~~
31 ~~time. Subject to the requirements under section 3 of this chapter,~~
32 ~~a student instructional day may consist of any amount of~~
33 ~~instructional time.~~

34 (b) ~~Except as provided in subsection (c); an Instructional day time~~
35 ~~for a school flex program under section 2.2 of this chapter consists of~~
36 ~~a minimum of three (3) five hundred forty (540) hours of instructional~~
37 ~~time: each school year.~~

38 (c) ~~A student instructional day for a qualified high school (as~~
39 ~~defined in IC 20-24.2-1-3) consists of any amount of instructional time.~~

40 (d) ~~A high school student who is enrolled in at least twelve (12)~~
41 ~~credit hours of on-campus dual credit courses (as described in~~
42 ~~IC 21-43-1-2.5) is not required to comply with subsection (a) during~~



1 the semester in which the student is enrolled in at least twelve (12)
2 credit hours:

3 SECTION 10. IC 20-30-2-2.2, AS AMENDED BY P.L.147-2020,
4 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2021]: Sec. 2.2. (a) As used in this section, "eligible student"
6 means a student in grade 11 or 12 who has:

7 (1) failed the graduation exam (before July 1, 2022) or is not on
8 track to complete a postsecondary readiness competency;

9 (2) been determined to be chronically absent, by missing ten
10 percent (10%) or more of a school year for any reason;

11 (3) been determined to be a habitual truant, as identified under
12 IC 20-33-2-11;

13 (4) been significantly behind in credits for graduation, as
14 identified by an individual's school principal;

15 (5) previously undergone at least a second suspension from school
16 for the school year under IC 20-33-8-14 or IC 20-33-8-15;

17 (6) previously undergone an expulsion from school under
18 IC 20-33-8-14, IC 20-33-8-15, or IC 20-33-8-16; or

19 (7) been determined by the individual's principal and the
20 individual's parent or guardian to benefit by participating in the
21 school flex program.

22 (b) An eligible student who participates in a school flex program
23 must:

24 (1) attend school for at least ~~three (3) hours of instructional time~~
25 **per school day; five hundred forty (540) hours each school**
26 **year;**

27 (2) pursue a timely graduation;

28 (3) provide evidence of college or technical career education
29 enrollment and attendance or proof of employment and labor that
30 is aligned with the student's career academic sequence under rules
31 established by the bureau of youth employment;

32 (4) not be suspended or expelled while participating in a school
33 flex program;

34 (5) pursue course and credit requirements for an Indiana diploma
35 with a general designation; and

36 (6) maintain a ninety-five percent (95%) attendance rate.

37 (c) A school may allow an eligible student in grade 11 or 12 to
38 complete ~~an instructional day time~~ that consists of ~~three (3) hours of~~
39 **instructional time at least five hundred forty (540) hours in a school**
40 **year** if the student participates in the school flex program.

41 SECTION 11. IC 20-30-2-3, AS ADDED BY P.L.1-2005,
42 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2021]: Sec. 3. (a) Except as provided under IC 20-30-2-2,
 2 for each school year, a school corporation shall conduct at least: ~~one~~
 3 ~~hundred eighty (180) student instructional days:~~

4 **(1) nine hundred (900) hours of instructional time for students**
 5 **in grades 1 through 6; and**

6 **(2) one thousand eighty (1,080) hours of instructional time for**
 7 **students in grades 7 through 12.**

8 (b) Not later than June 15 of each school year, the superintendent of
 9 each school corporation shall certify to the department the number of
 10 **hours of student instructional days time** conducted during that school
 11 year.

12 (c) **A high school student who is enrolled in at least twelve (12)**
 13 **credit hours of on-campus dual credit courses (as described in**
 14 **IC 21-43-1-2.5) is not required to comply with the instructional**
 15 **time requirements under subsection (a) during the semester in**
 16 **which the student is enrolled in at least twelve (12) credit hours.**

17 SECTION 12. IC 20-30-2-4, AS ADDED BY P.L.1-2005,
 18 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2021]: Sec. 4. If a school corporation fails to conduct the
 20 minimum number of student instructional ~~days~~ **hours** during a school
 21 year as required under section 3 of this chapter, the department shall
 22 reduce the August tuition support distribution to that school
 23 corporation for a school year by an amount determined as follows:

24 **STEP ONE: Determine the remainder of:**

25 (A) the amount of the total tuition support allocated to the
 26 school corporation for the particular school year; minus

27 (B) that part of the total tuition support allocated to the school
 28 corporation for that school year with respect to student
 29 instructional days ~~one hundred seventy-six (176) through one~~
 30 ~~hundred eighty (180):~~

31 **STEP TWO: Subtract the number of student instructional days**
 32 **that the school corporation conducted from one hundred eighty**
 33 **(180):**

34 **STEP THREE: Determine the lesser of five (5) or the remainder**
 35 **determined under STEP TWO:**

36 **STEP FOUR: Divide the amount subtracted under STEP ONE(B)**
 37 **by five (5):**

38 **STEP FIVE: Multiply the quotient determined under STEP FOUR**
 39 **by the number determined under STEP THREE:**

40 **STEP SIX: Subtract the number determined under STEP THREE**
 41 **from the remainder determined under STEP TWO:**

42 **STEP SEVEN: Divide the remainder determined under STEP**



- 1 ONE by one hundred seventy-five (175).
 2 STEP EIGHT: Multiply the quotient determined under STEP
 3 SEVEN by the remainder determined under STEP SIX.
 4 STEP NINE: Add the product determined under STEP FIVE to
 5 the product determined under STEP EIGHT.
 6 **STEP ONE: Subtract the number of student instructional**
 7 **hours that the school corporation conducted for students in**
 8 **kindergarten through grade 6 from nine hundred (900) for the**
 9 **particular school year.**
 10 **STEP TWO: Divide the amount of the total tuition support**
 11 **allocated to the school corporation for the particular school**
 12 **year by nine hundred (900).**
 13 **STEP THREE: Multiply the result determined under STEP**
 14 **ONE by the result determined under STEP TWO.**
 15 **STEP FOUR: Subtract the number of student instructional**
 16 **hours that the school corporation conducted for students in**
 17 **grades 7 through 12 from one thousand eighty (1,080) hours**
 18 **for the particular school year.**
 19 **STEP FIVE: Divide the amount of the total tuition support**
 20 **allocated to the school corporation for the particular school**
 21 **year by one thousand eighty (1,080).**
 22 **STEP SIX: Multiply the result determined under STEP**
 23 **FOUR by the result determined under STEP FIVE.**
 24 **STEP SEVEN: Add the result determined under STEP**
 25 **THREE to the result determined under STEP SIX.**

26 SECTION 13. IC 20-30-2-5, AS ADDED BY P.L.1-2005,
 27 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2021]: Sec. 5. The department may grant a waiver of the
 29 penalty imposed under section 4 of this chapter for a particular number
 30 of canceled student instructional ~~days~~ **hours** if:

- 31 (1) the school corporation applies to the department for a waiver
 32 of the penalty imposed under section 4 of this chapter for a
 33 specific number of canceled student instructional ~~days~~; **hours**;
 34 and
 35 (2) each of the particular number of student instructional ~~days~~
 36 **hours** requested to be waived under this section was canceled due
 37 to extraordinary circumstances.

38 SECTION 14. IC 20-30-8-7, AS AMENDED BY P.L.286-2013,
 39 SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2021]: Sec. 7. The program organizer may request the
 41 approval from the department for the following:

- 42 (1) To receive the grant for alternative education programs under



1 IC 20-20-33.

2 (2) To be granted waivers from rules adopted by the state board
3 that may otherwise interfere with the objectives of the alternative
4 education program, including waivers of:

5 (A) certain high school graduation requirements;

6 (B) ~~the length of the student~~ **number of hours of instructional**
7 **day as set forth in time required under IC 20-30-2-2;**

8 (C) required curriculum and curricular materials;

9 (D) teacher certification requirements; and

10 (E) physical facility requirements.

11 SECTION 15. IC 20-31-8-2.5 IS ADDED TO THE INDIANA
12 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
13 [EFFECTIVE UPON PASSAGE]: **Sec. 2.5. (a) This section applies**
14 **after June 30, 2022.**

15 **(b) As used in this section, "limited English proficient" has the**
16 **meaning set forth in 511 IAC 6.2-10-1(28).**

17 **(c) A school's annual performance may not include**
18 **English/language arts scores on the statewide assessment under**
19 **IC 20-32-5.1 for a limited English proficient student who has been**
20 **enrolled in schools in the United States for less than twelve (12)**
21 **months. However, all other subject matters measured on the**
22 **statewide assessment for the particular student shall be included**
23 **in the school's annual performance calculations.**

24 **(d) A school's annual performance may measure only a**
25 **particular student's growth in English/language arts on the**
26 **statewide assessment under IC 20-32-5.1 if the particular student**
27 **is a limited English proficient student who has been enrolled in**
28 **schools in the United States for at least twelve (12) months but less**
29 **than twenty-four (24) months. All other subject matters measured**
30 **on the statewide assessment for the particular student shall be**
31 **included in the school's annual performance calculations.**

32 **(e) A school's annual performance must include all subject**
33 **matters measured on the statewide assessment under IC 20-32-5.1**
34 **for a limited English proficient student who has been enrolled in**
35 **schools in the United States for at least twenty-four (24) months.**

36 SECTION 16. IC 20-33-2-19, AS AMENDED BY P.L.226-2019,
37 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38 JULY 1, 2021]: Sec. 19. (a) When the parent of a student who is
39 enrolled in a public school makes a written request, the principal may
40 allow the student to attend a school for religious instruction that is
41 conducted by a church, an association of churches, or an association
42 that is organized for religious instruction and incorporated under



1 Indiana law.

2 (b) If a principal grants permission under subsection (a), the
3 principal shall specify a period or periods, not to exceed one hundred
4 twenty (120) minutes in total in any week, for the student to receive
5 religious instruction. The permission is valid only for the year in which
6 it is granted. Decisions made by a principal under this section may be
7 reviewed by the superintendent.

8 (c) A school for religious instruction that receives students under
9 this section:

10 (1) shall maintain attendance records and allow inspection of
11 these records by attendance officers; and

12 (2) may not be supported, in whole or in part, by public funds.

13 (d) A student who attends a school for religious instruction under
14 this section shall receive the same attendance credit that the student
15 would receive for attendance in the public schools for the same length
16 of time.

17 (e) A public secondary school may award academic credit to a
18 student who attends religious instruction under this section if the
19 governing body of the school corporation adopts a policy that allows
20 the awarding of credit. A policy adopted under this subsection must
21 provide the following:

22 (1) Classes in religious instruction are evaluated on the basis of
23 purely secular criteria in substantially the same manner as similar
24 classes taken by a student at a nonpublic secondary school who
25 transfers to a public secondary school are evaluated to determine
26 whether the student receives transfer credit for the classes.
27 Secular criteria may include the following in addition to other
28 secular criteria established by the governing body:

29 (A) The number of hours of classroom instructional time.

30 (B) A review of the course syllabus that reflects the course
31 requirements and materials.

32 (C) Methods of assessment used in the course.

33 (D) Whether the course is taught by a licensed teacher.

34 (2) The decision of whether to award academic credit is neutral
35 as to, and does not involve any test for, religious content or
36 denominational affiliation.

37 (3) A provision that a student who attends religious instruction
38 under this section shall first seek to use a time period during a
39 student instructional day (as defined in IC 20-30-2-2) that is not
40 devoted to student instructional time to attend religious
41 instruction. If a student is not able to attend religious instruction
42 at a time other than during student instructional time, the student



1 may not be released to attend religious instruction for an amount
2 of time per week that exceeds the amount established in
3 subsection (b).

4 A student may be awarded a total of not more than two (2) elective
5 academic credits under this subsection.

6 SECTION 17. IC 20-43-1-14, AS ADDED BY P.L.2-2006,
7 SECTION 166, IS AMENDED TO READ AS FOLLOWS
8 [EFFECTIVE JULY 1, 2021]: Sec. 14. "Full-time equivalency" refers
9 to the ~~amount~~ **amounts** determined under IC 20-43-4-6.

10 SECTION 18. IC 20-43-4-6, AS AMENDED BY P.L.155-2020,
11 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2021]: Sec. 6. (a) In determining ADM, each pupil enrolled
13 in a public school, including a charter school, and a nonpublic school
14 is to be counted on a full-time equivalency basis if the pupil:

- 15 (1) is enrolled in a public school and a nonpublic school;
16 (2) has legal settlement in a school corporation; and
17 (3) receives instructional services from a school corporation.

18 (b) For purposes of this section, full-time equivalency is calculated
19 as follows:

20 **(1) For students in kindergarten through grade 6, as follows:**

21 STEP ONE: Determine the result of:

22 (A) the number of ~~days~~ **hours** instructional services will be
23 provided to the pupil, not to exceed ~~one hundred eighty~~
24 (~~180~~); **nine hundred (900)**; divided by

25 (B) ~~one hundred eighty (180)~~; **nine hundred (900)**.

26 STEP TWO: Determine the result of:

27 (A) the pupil's public school instructional time (as defined
28 in IC 20-30-2-1); divided by

29 (B) the actual public school regular instructional day (as
30 defined in IC 20-30-2-2):

31 STEP THREE: Determine the result of:

32 (A) the STEP ONE result; multiplied by

33 (B) the STEP TWO result.

34 STEP FOUR: **TWO**: Determine the lesser of one (1) or the
35 result of:

36 (A) the STEP ~~THREE~~ **ONE** result; multiplied by

37 (B) one and five-hundredths (1.05).

38 **(2) For students in grades 7 through 12, as follows:**

39 STEP ONE: Determine the result of:

40 (A) the number of hours instructional services will be
41 provided to the pupil, not to exceed one thousand eighty
42 (1,080); divided by



1 **(B) one thousand eighty (1,080).**
2 **STEP TWO: Determine the lesser of one (1) or the result**
3 **of:**
4 **(A) the STEP ONE result; multiplied by**
5 **(B) one and five-hundredths (1.05).**
6 However, the state board may, by rules adopted under IC 4-22-2,
7 specify an equivalent formula if the state board determines that the
8 equivalent formula would more accurately reflect the instructional
9 services provided by a school corporation during a period that a
10 particular ADM count is in effect for the school corporation.
11 **SECTION 19. An emergency is declared for this act.**

