



February 23, 2024

ENGROSSED

HOUSE BILL No. 1380

DIGEST OF HB 1380 (Updated February 22, 2024 11:01 am - DI 110)

Citations Affected: IC 20-19; IC 20-25.7; IC 20-26; IC 20-32; IC 20-35; IC 20-46; IC 20-51; IC 20-51.4; IC 20-52.

Synopsis: Various education matters. Requires the secretary of education to prepare and submit to the general assembly the following: (1) A plan to establish a pilot program concerning the use, operation, and management of school facilities to promote student learning and outcomes. (2) A plan to establish a pilot program concerning student
(Continued next page)

Effective: Upon passage; July 1, 2024.

Behning, Davis, McGuire

(SENATE SPONSORS — RAATZ, CRANE)

January 10, 2024, read first time and referred to Committee on Education.

January 18, 2024, amended, reported — Do Pass.

January 23, 2024, read second time, amended, ordered engrossed.

January 24, 2024, engrossed.

January 25, 2024, read third time, passed. Yeas 91, nays 7.

SENATE ACTION

February 5, 2024, read first time and referred to Committee on Education and Career Development.

February 22, 2024, amended, reported favorably — Do Pass; reassigned to Committee on Appropriations.

EH 1380—LS 6956/DI 110



Digest Continued

transportation. Makes various changes to innovation network school and participating innovation network charter school provisions regarding the following: (1) The terms that must be included in an agreement entered into between: (A) an innovation network team and the governing body of a school corporation; and (B) an organizer and the governing body of a school corporation. (2) Restrictions on altering an agreement. (3) Restrictions on a school corporation charging a participating innovation network charter school for goods and services. (4) Required distribution of state tuition support to participating innovation network charter schools. (5) Restrictions regarding altering the use of a facility occupied by an innovation network school or participating innovation network charter school. Makes changes to the student learning recovery grant program concerning the following: (1) The purpose for which the program was established with regard to disruption in education caused by the coronavirus disease pandemic and insufficient alternatives. (2) The limitation of the program to only certain state fiscal years. (3) Allowing the department of education (department) to require matching grant amounts. Provides that a student's Indiana enrichment scholarship account terminates under conditions established by the department (instead of October 1, 2024). Provides that the office of administrative law proceedings (office) has jurisdiction over hearing officers authorized to conduct hearings required by the Individuals with Disabilities Education Act (IDEA). Requires the office to: (1) determine the cost of conducting hearings; and (2) after July 1, 2025, assess a fee for each school corporation and charter school that is sufficient to cover the costs. Amends the date by which a student has to be a certain age to be eligible to participate in a school scholarship program and the Indiana education scholarship account program. Removes a condition with regard to requiring certain school corporations to accept transferring students who do not have legal settlement in the school corporation. Provides that a transferee corporation may not require a parent or student requesting transfer to the school corporation to pay transfer tuition or any other fee associated with the transfer of the student. Removes a provision that requires use of certain federal funds under the Indiana student enrichment grant program. Makes certain changes to the referendum time line. Repeals the following provisions regarding the student learning recovery grant program: (1) The appropriation in the 2021 fiscal year. (2) The expiration of the program. Repeals provisions regarding the expiration of the Indiana student enrichment grant program.

EH 1380—LS 6956/DI 110



February 23, 2024

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.

ENGROSSED HOUSE BILL No. 1380

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 20-19-3-32 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2024]: **Sec. 32. Not later than November 1, 2024, the secretary of**
4 **education shall prepare and submit to the general assembly in an**
5 **electronic format under IC 5-14-6 a plan to establish a pilot**
6 **program that provides innovative approaches concerning the use,**
7 **operation, and management of school facilities to promote:**
8 (1) **enhanced learning environments;**
9 (2) **unique learning opportunities; and**
10 (3) **improved student academic and health outcomes.**
11 SECTION 2. IC 20-19-3-33 IS ADDED TO THE INDIANA CODE
12 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
13 1, 2024]: **Sec. 33. Not later than November 1, 2024, the secretary of**
14 **education shall prepare and submit to the general assembly in an**
15 **electronic format under IC 5-14-6 a plan to establish a pilot**

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1 **program that encompasses innovative approaches for increasing**
 2 **transportation of students enrolled at a:**

3 **(1) public school, including a charter school; or**

4 **(2) nonpublic school with at least one (1) employee;**

5 **to travel to and from a school or other learning opportunities in a**
 6 **safe and efficient manner.**

7 SECTION 3. IC 20-25.7-4-5, AS AMENDED BY P.L.246-2023,
 8 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2024]: Sec. 5. (a) The board shall enter into an agreement
 10 with an innovation network team to establish an innovation network
 11 school or to reconstitute an eligible school as an innovation network
 12 school under section 3 or 4 of this chapter. An innovation network team
 13 may consist of or include teachers, a principal, a superintendent, or any
 14 combination of these individuals who were employed at the eligible
 15 school before the agreement is entered.

16 (b) The terms of the agreement must specify the following:

17 (1) A statement that the innovation network school is considered
 18 to be part of the school corporation and not considered a separate
 19 local educational agency.

20 (2) A statement that the innovation network team authorizes the
 21 department to include the innovation network school's
 22 performance assessment results under IC 20-31-8 when
 23 calculating the school corporation's performance assessment
 24 under rules adopted by the state board.

25 (3) The amount of state and federal funding, including tuition
 26 support, and money levied as property taxes that will be
 27 distributed by the school corporation to the innovation network
 28 school.

29 (4) The performance goals and accountability metrics agreed
 30 upon for the innovation network school.

31 (5) Grounds for termination of the agreement, including the right
 32 of termination if the innovation network team fails to:

33 (A) comply with the conditions or procedures established in
 34 the agreement;

35 (B) meet generally accepted fiscal management and
 36 government accounting principles;

37 (C) comply with applicable laws; or

38 (D) meet the educational goals set forth in the agreement
 39 between the board and the innovation network team.

40 (6) For an agreement entered into or renewed after June 30, 2023,
 41 the process the board is required to follow in determining whether
 42 to renew the agreement.



1 **(7) For an agreement entered into or renewed after June 30,**
 2 **2024, and subject to section 9 of this chapter, the innovation**
 3 **network school's enrollment and discipline policies, including**
 4 **defined attendance areas and enrollment zones.**

5 (c) If an agreement is entered into under subsection (a), the board
 6 shall notify the department that an agreement has been entered into
 7 under this section within thirty (30) days after the agreement is entered
 8 into.

9 (d) Upon receipt of the notification under subsection (c), for school
 10 years starting after the date of the agreement:

11 (1) the department shall include the innovation network school's
 12 performance assessment results under IC 20-31-8 when
 13 calculating the school corporation's performance assessment
 14 under rules adopted by the state board;

15 (2) the department shall treat the innovation network school in the
 16 same manner as a school operated by the school corporation when
 17 calculating the total amount of state and federal funding to be
 18 distributed to the school corporation; and

19 (3) if requested by an innovation network school established
 20 under IC 20-25.5-4-2(a)(2) (before its repeal) or
 21 IC 20-25.7-4-4(a)(2), the department may use student growth as
 22 the state board's exclusive means to determine the innovation
 23 network school's category or designation of school improvement
 24 under 511 IAC 6.2-10-10 for a period of three (3) years.
 25 Beginning with the 2019-2020 school year, the department may
 26 not use student growth as the state board's exclusive means to
 27 determine an innovation network school's category or designation
 28 of school improvement. This subdivision expires July 1, 2023.

29 A school corporation and an innovation network school are not entitled
 30 to any state funding in addition to the amount the school corporation
 31 and school would otherwise be eligible to receive if the innovation
 32 network school were a public school maintained by the school
 33 corporation.

34 (e) If a board or innovation network team fails to follow the renewal
 35 process described in subsection (b)(6), the board or innovation network
 36 team may appeal to the state board. The state board shall hear the
 37 appeal in a public meeting and ensure that the board or innovation
 38 network team follows the renewal process specified in the agreement.
 39 The board may not terminate an agreement until the board has provided
 40 evidence to the state board that the board has complied with the
 41 renewal process specified in the agreement. The state board shall issue
 42 a decision on an appeal under this subsection not later than sixty (60)



1 days after the date the board or innovation network team submitted the
2 appeal to the state board.

3 (f) If an administrative fee is included in an agreement entered into
4 or renewed after June 30, 2023, under this section, the fee may not
5 exceed one percent (1%) of the total amount of state tuition support
6 that is distributed to the school corporation based on the student
7 enrollment of the innovation network school.

8 **(g) An agreement entered into between the board and an**
9 **innovation network team under this section may not be altered**
10 **without written approval from the innovation network team.**

11 SECTION 4. IC 20-25.7-4-6, AS AMENDED BY P.L.246-2023,
12 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 UPON PASSAGE]: Sec. 6. (a) For as long as an innovation network
14 team operates an innovation network school:

15 (1) the innovation network team may use the school building, the
16 accompanying real property, and the building's contents,
17 equipment, and supplies, as provided in the agreement established
18 under section 5 of this chapter;

19 (2) the school corporation may:

20 (A) provide transportation for students attending the
21 innovation network school; and

22 (B) maintain and repair the buildings and grounds consistent
23 with the maintenance and repair to the school corporation's
24 other buildings and grounds; ~~and~~

25 (3) the innovation network team and the school corporation may
26 enter into an agreement to transfer the ownership of a school
27 corporation facility to the innovation network team; **and**

28 **(4) the school corporation may not alter the use of the facility**
29 **occupied by the innovation network school without agreement**
30 **from the innovation network team.**

31 (b) If an innovation network team contracts with a school
32 corporation for goods or services, the school corporation may not
33 charge the innovation network team more for the goods or services than
34 the school corporation pays for the goods or services. A school
35 corporation may not require an innovation network team to contract for
36 specific goods or services provided by the school corporation or any
37 other entity.

38 (c) A school corporation and an innovation network team may
39 negotiate to require specific services with regard to an innovation
40 network school during the term of an agreement. However, subject to
41 subsection (d), an innovation network team must be able to select the
42 service provider for the services.



1 (d) A school corporation may require an innovation network school
2 to:

- 3 (1) use the school corporation's student information system; and
4 (2) comply with the school corporation's networking,
5 cybersecurity, and device standards.

6 However, nothing in this subsection may be construed to allow a school
7 corporation to alter an innovation network team's autonomy to
8 determine the academic programming of the innovation network team's
9 school.

10 (e) For as long as an innovation network team operates an
11 innovation network school, the school corporation may distribute
12 money levied as property taxes to the innovation network team.
13 Property taxes distributed to an innovation network team must be used
14 only for a purpose for which the property taxes could have been used
15 by the school corporation. Property taxes distributed under this
16 subsection may supplement services and property provided under
17 subsection (a) or (b). The parties may jointly modify an agreement
18 described in section 5 of this chapter to implement this subsection.

19 (f) An agreement concerning the transfer of ownership of a school
20 corporation facility to an innovation network team described in
21 subsection (a) is not subject to IC 20-26-7.1.

22 SECTION 5. IC 20-25.7-5-2, AS AMENDED BY P.L.201-2023,
23 SECTION 159, AND AS AMENDED BY P.L.246-2023, SECTION
24 31, AND AS AMENDED BY THE TECHNICAL CORRECTIONS
25 BILL OF THE 2024 GENERAL ASSEMBLY, IS CORRECTED AND
26 AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON
27 PASSAGE]: Sec. 2. (a) The board may enter into an agreement with an
28 organizer to reconstitute an eligible school as a participating innovation
29 network charter school or to establish a participating innovation
30 network charter school at a location selected by the board within the
31 boundary of the school corporation. Notwithstanding IC 20-26-7.1, a
32 participating innovation network charter school may be established
33 within a vacant school building.

34 (b) The terms of the agreement entered into between the board and
35 an organizer must specify the following:

36 (1) A statement that the organizer authorizes the department to
37 include the charter school's performance assessment results under
38 IC 20-31-8 when calculating the school corporation's performance
39 assessment under rules adopted by the state board.

40 (2) ~~The amount of state funding, including tuition support~~
41 **Subject to an administrative fee as described in subsection (g),**
42 **a statement that the school corporation will distribute at least**



1 **one hundred percent (100%) of state tuition support dollars**
 2 **that the school corporation receives from student enrollment**
 3 **in the participating innovation network charter school in**
 4 **accordance with the school funding formula to the**
 5 **participating innovation network charter school** (if the
 6 participating innovation network charter school is treated in the
 7 same manner as a school operated by the school corporation
 8 under subsection (d)(2)). ~~and money levied as property taxes that~~
 9 ~~will be distributed by the school corporation to the organizer.~~

10 (3) The performance goals and accountability metrics agreed
 11 upon for the charter school in the charter agreement between the
 12 organizer and the authorizer **and a statement that the school**
 13 **corporation is prohibited from setting additional performance**
 14 **goals or accountability metrics.**

15 (4) *For an agreement entered into or renewed after June 30,*
 16 *2023, the process the board is required to follow in determining*
 17 *whether to renew the agreement.*

18 **(5) The amount of money levied as property taxes that will be**
 19 **distributed by the school corporation to the organizer.**

20 **(6) Subject to section 5 of this chapter, the participating**
 21 **innovation network charter school's enrollment and discipline**
 22 **policies, including defined attendance areas and enrollment**
 23 **zones.**

24 **(7) A statement that the innovation agreement shall not create**
 25 **an obligation that would cause the organizer to be in violation**
 26 **of its charter agreement (as described in IC 20-24-1-3).**

27 (c) If an organizer and the board enter into an agreement under
 28 subsection (a), the organizer and the board shall notify the department
 29 that the agreement has been made under this section within thirty (30)
 30 days after the agreement is entered into.

31 (d) Upon receipt of the notification under subsection (c), for school
 32 years starting after the date of the agreement:

33 (1) the department shall include the participating innovation
 34 network charter school's performance assessment results under
 35 IC 20-31-8 when calculating the school corporation's performance
 36 assessment under rules adopted by the state board;

37 (2) the department shall treat the participating innovation network
 38 charter school in the same manner as a school operated by the
 39 school corporation when calculating the total amount of state
 40 funding to be distributed to the school corporation unless
 41 subsection (e) applies; and

42 (3) if requested by a participating innovation network charter



1 school that reconstitutes an eligible school, the department may
 2 use student growth as the state board's exclusive means to
 3 determine the innovation network charter school's category or
 4 designation of school improvement under 511 IAC 6.2-10-10 for
 5 a period of three (3) years. Beginning with the 2019-2020 school
 6 year, the department may not use student growth as the state
 7 board's exclusive means to determine an innovation network
 8 charter school's category or designation of school improvement.
 9 This subdivision expires July 1, 2023.

10 (e) If a participating innovation network school was established
 11 before January 1, 2016, and for the current school year has a
 12 complexity index that is greater than the complexity index for the
 13 school corporation that the innovation network school has contracted
 14 with, the innovation network school shall be treated as a charter school
 15 for purposes of determining tuition support. This subsection expires
 16 June 30, ~~2023~~ 2025.

17 (f) *If the board or organizer fails to follow the process described in*
 18 *subsection (b)(4), the board or organizer may appeal to the state*
 19 *board. The state board shall hear the appeal in a public meeting and*
 20 *ensure that the board or organizer follows the renewal process*
 21 *specified in the agreement. The board may not terminate an agreement*
 22 *until the board has provided evidence to the state board that the board*
 23 *has complied with the renewal process specified in the agreement. The*
 24 *state board shall issue a decision on an appeal under this subsection*
 25 *not later than sixty (60) days after the date the board or organizer*
 26 *submitted the appeal to the state board.*

27 (g) *If an administrative fee is included in an agreement entered into*
 28 *or renewed after June 30, 2023, under this section, the fee may not*
 29 *exceed one percent (1%) of the total amount of state tuition support*
 30 *that is distributed to the school corporation based on the participating*
 31 *innovation network charter school's student enrollment.*

32 **(h) An agreement entered into between the board and an**
 33 **organizer under this section may not be altered without written**
 34 **approval from the organizer.**

35 SECTION 6. IC 20-25.7-5-3, AS AMENDED BY P.L.246-2023,
 36 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 UPON PASSAGE]: Sec. 3. (a) For as long as a charter school remains
 38 a participating innovation network charter school: ~~the school~~
 39 ~~corporation may:~~

40 (1) **the school corporation may** provide transportation for
 41 students attending the participating innovation network charter
 42 school;



1 (2) **the school corporation may** maintain and repair the
 2 buildings and grounds used by the participating innovation
 3 network charter school consistent with the maintenance and repair
 4 to the school corporation's other buildings and grounds; ~~and~~

5 (3) **the school corporation may** enter into an agreement to
 6 transfer the ownership of a school corporation facility to the
 7 organizer; **and**

8 (4) **the school corporation may not alter the use of the facility**
 9 **occupied by the participating innovation network charter**
 10 **school without agreement from the organizer.**

11 (b) If an organizer contracts with a school corporation for goods or
 12 services, the school corporation may not charge the organizer more for
 13 the goods or services than the school corporation pays for the goods or
 14 services. A school corporation may not require an organizer to contract
 15 for specific goods or services provided by the school corporation or any
 16 other entity.

17 (c) A school corporation and an organizer may negotiate to require
 18 specific services with regard to a participating innovation network
 19 charter school during the term of an agreement. However, an organizer
 20 must be able to select the service provider for the services.

21 (d) For as long as a charter school remains a participating
 22 innovation network charter school, the school corporation may
 23 distribute money levied as property taxes to the charter school. Property
 24 taxes distributed to a charter school must be used only for a purpose for
 25 which the property taxes could have been used by the school
 26 corporation. Property taxes distributed under this subsection may
 27 supplement services and property provided under subsection (a) or (b).
 28 The parties may jointly modify an agreement described in section 2 of
 29 this chapter to implement this subsection.

30 (e) An agreement concerning the transfer of ownership of a school
 31 corporation facility described in subsection (a) is not subject to
 32 IC 20-26-7.1.

33 (f) **Unless an agreement entered into before July 1, 2024,**
 34 **between a board and an organizer provides otherwise, a school**
 35 **corporation may not charge an organizer an amount for goods and**
 36 **services that is greater than the amount of the operations fund**
 37 **property tax levy the organizer receives under IC 20-46-8-11.2 for**
 38 **the participating innovation network charter school.**

39 SECTION 7. IC 20-25.7-5-6 IS ADDED TO THE INDIANA CODE
 40 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
 41 UPON PASSAGE]: **Sec. 6. (a) Subject to an administrative fee as**
 42 **described in section 2(g) of this chapter, a school corporation that**



1 enters into an agreement with an organizer under this chapter
 2 shall distribute at least one hundred percent (100%) of state tuition
 3 support dollars that the school corporation receives from student
 4 enrollment in the participating innovation network charter school
 5 in accordance with the school funding formula to the participating
 6 innovation network charter school.

7 (b) Unless an agreement entered into before July 1, 2024,
 8 between a board and an organizer provides otherwise, all
 9 participating innovation network charter schools operating under
 10 existing agreements with boards as of July 1, 2024, will receive
 11 funds as required under subsection (a).

12 SECTION 8. IC 20-26-11-6, AS AMENDED BY P.L.30-2010,
 13 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2024]: Sec. 6. (a) A school corporation may accept a
 15 transferring student without approval of the transferor corporation
 16 under section 5 of this chapter.

17 (b) A transfer may be accepted regardless of whether, as a condition
 18 of the transfer, the transferee school requires the requesting parents or
 19 student to pay transfer tuition in an amount determined under the
 20 formula established in section 13 of this chapter for the payment of
 21 transfer tuition by a transferor school corporation. However, if the
 22 transferee school elects to charge transfer tuition, the transferee school
 23 may not offset the amounts described in section 13(b) STEP TWO (B)
 24 through section 13(b) STEP TWO (D) of this chapter from the amount
 25 charged to the requesting parents or student.

26 (c) When the transferee school elects to charge tuition to the
 27 requesting parents or student, the tuition determined under subsection
 28 (b) must be paid by the parents or the student before the end of the
 29 school year in installments as determined by the transferee corporation.

30 (d) Failure to pay a tuition installment that is agreed to by the
 31 parents or student and the transferee school corporation is a ground for
 32 exclusion from school.

33 (e) If the transferee school elects not to charge transfer tuition to the
 34 parents or student under this section, the transferee school may not
 35 charge transfer tuition or fees to the transferor school.

36 (b) A transferee corporation may not require a parent or
 37 student requesting transfer to the school corporation to pay
 38 transfer tuition or any other fee associated with the transfer of the
 39 student.

40 SECTION 9. IC 20-26-11-6.7, AS AMENDED BY P.L.92-2020,
 41 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2024]: Sec. 6.7. (a) This section:



1 (1) applies to a school corporation that does not have a policy of
 2 accepting transfer students having legal settlement outside the
 3 attendance area of the transferee school corporation; and

4 (2) does not apply to a school corporation that has more than one
 5 (1) high school.

6 (b) Notwithstanding this chapter, a school corporation shall accept
 7 a transferring student who resides in Indiana and who does not have
 8 legal settlement in the school corporation if:

9 (1) the student attended a state accredited nonpublic elementary
 10 school located in the attendance area of the transferee school
 11 corporation for at least two (2) school years immediately
 12 preceding the school year in which the student transfers to a high
 13 school in the transferee school corporation under this section;

14 (2) the student is transferring because the state accredited
 15 nonpublic school from which the student is transferring does not
 16 offer grades 9 through 12; **and**

17 ~~(3) the majority of the students in the same grade as the~~
 18 ~~transferring student at the state accredited nonpublic school have~~
 19 ~~legal settlement in the transferee school corporation and will~~
 20 ~~attend a school under the authority of the transferee school~~
 21 ~~corporation; and~~

22 ~~(4) (3) the transferee school corporation has the capacity to accept~~
 23 ~~students.~~

24 (c) If the number of students who request to transfer to a transferee
 25 school corporation under this section causes the school corporation to
 26 exceed the school corporation's maximum student capacity, the
 27 governing body shall determine which students will be admitted as
 28 transfer students by a random drawing in a public meeting.

29 SECTION 10. IC 20-32-8.7-5, AS AMENDED BY P.L.171-2023,
 30 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2024]: Sec. 5. (a) The student learning recovery grant program
 32 is established to provide grants to an eligible entity for the purpose of
 33 providing recovery learning and remediation to students in
 34 kindergarten through grade 12 who:

35 (1) have experienced learning loss;

36 (2) have fallen behind in acquiring anticipated grade level
 37 academic skills and knowledge;

38 (3) have scored below academic standards or average
 39 benchmarks; or

40 (4) are at risk of falling below academic standards.

41 ~~due to the disruption in student education caused by the coronavirus~~
 42 ~~disease (COVID-19) pandemic and insufficient instructional~~



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alternatives.

(b) The department shall administer the program.

(c) The department may award grants to eligible entities under the program. ~~in state fiscal year 2024 and state fiscal year 2025 from funds appropriated during the 2021 regular session of the Indiana general assembly that have not been obligated.~~

SECTION 11. IC 20-32-8.7-7, AS AMENDED BY P.L.171-2023, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 7. ~~(a)~~ 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. ~~including a requirement that a school corporation or charter school identified in the plan provide a matching grant in an amount determined by the department.~~

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

~~(b) If a school corporation or charter school is required to provide a matching grant as part of a student learning recovery plan, the matching grant may only consist of federal funds received by the school corporation or charter school.~~

SECTION 12. IC 20-32-8.7-8, AS AMENDED BY P.L.216-2021, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: 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 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~~



1 must use the federal grant or money before using any grant money
2 awarded by the department under section 9 of this chapter:

3 SECTION 13. IC 20-32-8.7-13, AS AMENDED BY P.L.171-2023,
4 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2024]: Sec. 13. (a) Not later than July 1 ~~2023~~; and July 1,
6 ~~2024~~, of each year, the department shall prepare an annual report that
7 includes the following:

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

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

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

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

15 (1) governor; and

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

17 SECTION 14. IC 20-32-8.7-15 IS REPEALED [EFFECTIVE JULY
18 1, 2024]. ~~Sec. 15. There is appropriated to the fund one hundred fifty~~
19 ~~million dollars (\$150,000,000) from the state general fund for the~~
20 ~~purposes of providing grants under this chapter for the state fiscal year~~
21 ~~beginning July 1, 2020, and ending June 30, 2021. Funds appropriated~~
22 ~~under this section do not revert to the state general fund and remain~~
23 ~~available to be spent for purposes of the program.~~

24 SECTION 15. IC 20-32-8.7-16 IS REPEALED [EFFECTIVE JULY
25 1, 2024]. ~~Sec. 16. This chapter expires July 1, 2025.~~

26 SECTION 16. IC 20-35-2-1, AS AMENDED BY P.L.43-2021,
27 SECTION 114, IS AMENDED TO READ AS FOLLOWS
28 [EFFECTIVE JULY 1, 2024]: Sec. 1. (a) There is established under the
29 state board a division of special education. The division shall exercise
30 all the power and duties set out in this chapter, IC 20-35-3 through
31 IC 20-35-6, and IC 20-35-8.

32 (b) The governor shall appoint, upon the recommendation of the
33 secretary of education, a director of special education who serves at the
34 pleasure of the governor. The amount of compensation of the director
35 shall be determined by the budget agency with the approval of the
36 governor. The director has the following duties:

37 (1) To do the following:

38 (A) Have general supervision of special education programs
39 and services, including those conducted by school
40 corporations, charter schools, the Indiana School for the Blind
41 and Visually Impaired, the Indiana School for the Deaf, the
42 department of correction, and the division of mental health and



- 1 addiction to ensure compliance with federal and state special
2 education laws and rules.
- 3 (B) Take appropriate action to ensure school corporations,
4 charter schools, and the department remain eligible for federal
5 special education funds.
- 6 **(C) Oversee the training of hearing officers and establish**
7 **guidelines as described in IC 20-35-14-5.**
- 8 (2) With the consent of the secretary of education and the budget
9 agency, to appoint and determine salaries for any assistants and
10 other personnel needed to enable the director to accomplish the
11 duties of the director's office.
- 12 SECTION 17. IC 20-35-14 IS ADDED TO THE INDIANA CODE
13 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2024]:
- 15 **Chapter 14. Employment of Independent Hearing Officers**
- 16 **Sec. 1. As used in this chapter, "IDEA" refers to the federal**
17 **Individuals with Disabilities Education Act, 20 U.S.C. 1400 et seq.**
- 18 **Sec. 2. As used in this chapter, "office" has the meaning set**
19 **forth in IC 4-15-10.5-6.**
- 20 **Sec. 3. (a) The office has jurisdiction over hearing officers**
21 **authorized to conduct hearings required by the IDEA.**
- 22 **(b) The office is granted jurisdiction to conduct hearings**
23 **described in subsection (a) as permitted under IC 4-15-10.5-12.**
- 24 **Sec. 4. Not later than August 1, 2024, the department and the**
25 **office shall enter into a memorandum of understanding regarding**
26 **the transition to hearing officers employed by the office as**
27 **full-time, salaried, state employees to act as and satisfy the**
28 **requirements regarding independent hearing officers under the**
29 **IDEA.**
- 30 **Sec. 5. The director of special education appointed under**
31 **IC 20-35-2-1 shall:**
- 32 **(1) oversee the training of hearing officers; and**
33 **(2) establish guidelines for hearing officers who conduct**
34 **hearings under this chapter, including guidelines to ensure**
35 **compliance with state and federal special education laws and**
36 **rules.**
- 37 **Sec. 6. The office shall:**
- 38 **(1) determine the cost of conducting hearings under this**
39 **chapter; and**
40 **(2) after July 1, 2025, assess each school corporation and**
41 **charter school in the state a fee that is sufficient to cover the**
42 **costs determined under subdivision (1).**



1 SECTION 18. IC 20-46-1-8, AS AMENDED BY P.L.189-2023,
 2 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 UPON PASSAGE]: Sec. 8. (a) Subject to subsections (e), (f), and (g)
 4 and this chapter, the governing body of a school corporation may adopt
 5 a resolution to place a referendum under this chapter on the ballot for
 6 any of the following purposes:

7 (1) The governing body of the school corporation determines that
 8 it cannot, in a calendar year, carry out its public educational duty
 9 unless it imposes a referendum tax levy under this chapter.

10 (2) The governing body of the school corporation determines that
 11 a referendum tax levy under this chapter should be imposed to
 12 replace property tax revenue that the school corporation will not
 13 receive because of the application of the credit under
 14 IC 6-1.1-20.6.

15 (3) Except for resolutions described in subsection (b), the
 16 governing body makes the determination required under
 17 subdivision (1) or (2) and determines to share a portion of the
 18 referendum proceeds with a charter school, excluding a virtual
 19 charter school, in the manner prescribed in subsection (e).

20 (b) A resolution for a referendum for a county described in section
 21 21 of this chapter that is adopted after May 10, 2023, shall specify that
 22 a portion of the proceeds collected from the proposed levy will be
 23 distributed to applicable charter schools in the manner described under
 24 section 21 of this chapter.

25 (c) The governing body of the school corporation shall certify a
 26 copy of the resolution to place a referendum on the ballot to the
 27 following:

28 (1) The department of local government finance, including:

29 (A) the language for the question required by section 10 of this
 30 chapter, or in the case of a resolution to extend a referendum
 31 levy certified to the department of local government finance
 32 after March 15, 2016, section 10.1 of this chapter; and

33 (B) a copy of the revenue spending plan adopted under
 34 subsection (g).

35 The language of the public question must include the estimated
 36 average percentage increases certified by the county auditor under
 37 section 10(e) or 10.1(f) of this chapter, as applicable. The
 38 governing body of the school corporation shall also provide the
 39 county auditor's certification described in section 10(e) or 10.1(f)
 40 of this chapter, as applicable. The department of local government
 41 finance shall post the values certified by the county auditor to the
 42 department's website. The department shall review the language



1 for compliance with section 10 or 10.1 of this chapter, whichever
 2 is applicable, and either approve or reject the language. The
 3 department shall send its decision to the governing body of the
 4 school corporation not more than ten (10) days after the resolution
 5 is submitted to the department. If the language is approved, the
 6 governing body of the school corporation shall certify a copy of
 7 the resolution, including the language for the question and the
 8 department's approval.

9 (2) The county fiscal body of each county in which the school
 10 corporation is located (for informational purposes only).

11 (3) The circuit court clerk of each county in which the school
 12 corporation is located.

13 (d) If a school safety referendum tax levy under IC 20-46-9 has been
 14 approved by the voters in a school corporation at any time in the
 15 previous three (3) years, the school corporation may not:

16 (1) adopt a resolution to place a referendum under this chapter on
 17 the ballot; or

18 (2) otherwise place a referendum under this chapter on the ballot.

19 (e) Except as provided in section 21 of this chapter, the resolution
 20 described in subsection (a) must indicate whether proceeds in the
 21 school corporation's education fund collected from a tax levy under this
 22 chapter will be used to provide a distribution to a charter school or
 23 charter schools, excluding a virtual charter school, under IC 20-40-3-5
 24 as well as the amount that will be distributed to the particular charter
 25 school or charter schools. A school corporation may request from the
 26 designated charter school or charter schools any financial
 27 documentation necessary to demonstrate the financial need of the
 28 charter school or charter schools.

29 (f) This subsection applies to a resolution described in subsection
 30 (a) for a county described in section 21(a) of this chapter that is
 31 adopted after May 10, 2023. The resolution described in subsection (a)
 32 shall include a projection of the amount that the school corporation
 33 expects to be distributed to a particular charter school, excluding
 34 virtual charter schools or adult high schools, under section 21 of this
 35 chapter if the charter school voluntarily elects to participate in the
 36 referendum in the manner described in subsection (i). At least sixty
 37 (60) days before the resolution described in subsection (a) is voted on
 38 by the governing body, the school corporation shall contact the
 39 department to determine the number of students in kindergarten
 40 through grade 12 who have legal settlement in the school corporation
 41 but attend a charter school, excluding virtual charter schools or adult
 42 high schools, and who receive not more than fifty percent (50%) virtual



1 instruction. The department shall provide the school corporation with
2 the number of students with legal settlement in the school corporation
3 who attend a charter school and who receive not more than fifty percent
4 (50%) virtual instruction, which shall be disaggregated for each
5 particular charter school, excluding a virtual charter school or adult
6 high school. The projection may include an expected increase in
7 charter schools during the term the levy is imposed under this chapter.
8 The department of local government finance shall prescribe the manner
9 in which the projection shall be calculated. The governing body shall
10 take into consideration the projection when adopting the revenue
11 spending plan under subsection (g).

12 (g) As part of the resolution described in subsection (a), the
13 governing body of the school corporation shall adopt a revenue
14 spending plan for the proposed referendum tax levy that includes:

15 (1) an estimate of the amount of annual revenue expected to be
16 collected if a levy is imposed under this chapter;

17 (2) the specific purposes for which the revenue collected from a
18 levy imposed under this chapter will be used;

19 (3) an estimate of the annual dollar amounts that will be expended
20 for each purpose described in subdivision (2); and

21 (4) for a resolution for a referendum that is adopted after May 10,
22 2023, for a county described in section 21(a) of this chapter, the
23 projected revenue that shall be distributed to charter schools as
24 provided in subsections (f) and (i). The revenue spending plan
25 shall also take into consideration deviations in the proposed
26 revenue spending plan if the actual charter school distributions
27 exceed or are lower than the projected charter school distributions
28 described in subsection (f). The resolution shall include for each
29 charter school that elects to participate under subsection (i)
30 information described in subdivisions (1) through (3).

31 (h) A school corporation shall specify in its proposed budget the
32 school corporation's revenue spending plan adopted under subsection
33 (g) and annually present the revenue spending plan at its public hearing
34 on the proposed budget under IC 6-1.1-17-3.

35 (i) This subsection applies to a resolution described in subsection
36 (a) for a county described in section 21(a) of this chapter that is
37 adopted after May 10, 2023. At least forty-five (45) days before the
38 resolution described in subsection (a) is voted on by the governing
39 body, the school corporation shall contact each charter school,
40 excluding virtual charter schools or adult high schools, disclosed by the
41 department to the school corporation under subsection (f) to determine
42 whether the charter school will participate in the referendum. **The**



1 **notice must include the total amount of the school corporation's**
 2 **expected need, the corresponding estimate for that amount divided**
 3 **by the number of students enrolled in the school corporation, and**
 4 **the date on which the governing body of the school corporation will**
 5 **vote on the resolution.** The charter school must respond in writing to
 6 the school corporation, **which may be by electronic mail addressed**
 7 **to the superintendent of the school corporation,** at least fifteen (15)
 8 days prior to the date that the resolution described in subsection (a) is
 9 to be voted on by the governing body. If the charter school elects to not
 10 participate in the referendum, the school corporation may exclude
 11 distributions to the charter school under section 21 of this chapter and
 12 from the projection described in subsection (f). If the charter school
 13 elects to participate in the referendum, the charter school may receive
 14 distributions under section 21 of this chapter and must be included in
 15 the projection described in subsection (f). In addition, a charter school
 16 that elects to participate in the referendum under this subsection shall
 17 contribute a proportionate share of the cost to conduct the referendum
 18 based on the total combined ADM of the school corporation and any
 19 participating charter schools.

20 (j) This subsection applies to a resolution described in subsection
 21 (a) for a county described in section 21(a) of this chapter that is
 22 adopted after May 10, 2023. At least thirty (30) days before the
 23 ~~resolution described in subsection (a)~~ **referendum submitted to the**
 24 **voters under this chapter** is voted on by the ~~governing body,~~ **public**
 25 **in a primary or general election,** the school corporation that is
 26 pursuing the ~~resolution referendum~~ and any charter school that has
 27 elected to participate under subsection (i), shall post a referendum
 28 disclosure statement on each school's respective website that contains
 29 the following information:

- 30 (1) The salaries of ~~all employees employed by~~ **position within** the
 31 school corporation or charter school listed from highest salary to
 32 lowest salary **and a link to Gateway Indiana for access to**
 33 **individual salaries.**
 34 (2) An acknowledgment that the school corporation or charter
 35 school is not committing any crime described in IC 35-44.1-1.
 36 (3) A link to the school corporation's or charter school's most
 37 recent state board of accounts audit on the state board of accounts'
 38 website.
 39 (4) The current enrollment of the school corporation or charter
 40 school disaggregated by student group and race.
 41 (5) The school corporation's or charter school's high school
 42 graduation rate.



1 (6) The school corporation's or charter school's annual retention
2 rate for teachers for the previous five (5) years.

3 SECTION 19. IC 20-46-9-6, AS AMENDED BY P.L.189-2023,
4 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 UPON PASSAGE]: Sec. 6. (a) Subject to this chapter, the governing
6 body of a school corporation may adopt a resolution to place a
7 referendum under this chapter on the ballot if the governing body of the
8 school corporation determines that a referendum levy should be
9 imposed for measures to improve school safety as described in
10 IC 20-40-20-6(a) or IC 20-40-20-6(b).

11 (b) Except as provided in section 22 of this chapter, a school
12 corporation may, with the approval of the majority of members of the
13 governing body, distribute a portion of the proceeds of a tax levy
14 collected under this chapter that is deposited in the fund to a charter
15 school, excluding a virtual charter school, that is located within the
16 attendance area of the school corporation, to be used by the charter
17 school for the purposes described in IC 20-40-20-6(a).

18 (c) This subsection applies to a resolution described in subsection
19 (a) that is adopted after May 10, 2023, in a county described in section
20 22(a) of this chapter. A resolution shall specify that a portion of the
21 proceeds of the proposed levy will be distributed to applicable charter
22 schools in the manner described under section 22 of this chapter if the
23 charter school voluntarily elects to participate in the referendum in the
24 manner described in subsection (i).

25 (d) This subsection applies to a resolution described in subsection
26 (a) that is adopted after May 10, 2023, in a county described in section
27 22(a) of this chapter. The resolution described in subsection (a) shall
28 include a projection of the amount that the school corporation expects
29 to be distributed to a particular charter school, excluding virtual charter
30 schools or adult high schools, under section 22 of this chapter that
31 elects to participate in the referendum under subsection (i). At least
32 sixty (60) days before the resolution described in subsection (a) is
33 voted on by the governing body, the school corporation shall contact
34 the department to determine the number of students in kindergarten
35 through grade 12 who have legal settlement in the school corporation
36 but attend a charter school, excluding virtual charter schools or adult
37 high schools, and who receive not more than fifty percent (50%) virtual
38 instruction. The department shall provide the school corporation with
39 the number of students with legal settlement in the school corporation
40 who attend a charter school, which shall be disaggregated for each
41 particular charter school, excluding a virtual charter school or adult
42 high school. The projection may include an expected increase in



1 charter schools during the term the levy is imposed. The department of
 2 local government finance shall prescribe the manner in which the
 3 projection shall be calculated. The governing body shall take into
 4 consideration the projection when adopting the revenue spending plan
 5 under subsection (g).

6 (e) The governing body of the school corporation shall certify a
 7 copy of the resolution to the following:

8 (1) The department of local government finance, including:

9 (A) the language for the question required by section 9 of this
 10 chapter, or in the case of a resolution to extend a referendum
 11 levy certified to the department of local government finance,
 12 section 10 of this chapter; and

13 (B) a copy of the revenue spending plan adopted under
 14 subsection (g).

15 The language of the public question must include the estimated
 16 average percentage increases certified by the county auditor under
 17 section 9(d) or 10(f) of this chapter, as applicable. The governing
 18 body of the school corporation shall also provide the county
 19 auditor's certification described in section 9(d) or 10(f) of this
 20 chapter, as applicable. The department of local government
 21 finance shall post the values certified by the county auditor to the
 22 department's website. The department shall review the language
 23 for compliance with section 9 or 10 of this chapter, whichever is
 24 applicable, and either approve or reject the language. The
 25 department shall send its decision to the governing body of the
 26 school corporation not more than ten (10) days after the resolution
 27 is submitted to the department. If the language is approved, the
 28 governing body of the school corporation shall certify a copy of
 29 the resolution, including the language for the question and the
 30 department's approval.

31 (2) The county fiscal body of each county in which the school
 32 corporation is located (for informational purposes only).

33 (3) The circuit court clerk of each county in which the school
 34 corporation is located.

35 (f) Except as provided in section 22 of this chapter, the resolution
 36 described in subsection (a) must indicate whether proceeds in the
 37 school corporation's fund collected from a tax levy under this chapter
 38 will be used to provide a distribution to a charter school or charter
 39 schools, excluding a virtual charter school, under IC 20-40-20-6(b) as
 40 well as the amount that will be distributed to the particular charter
 41 school or charter schools. A school corporation may request from the
 42 designated charter school or charter schools any financial



1 documentation necessary to demonstrate the financial need of the
2 charter school or charter schools.

3 (g) As part of the resolution described in subsection (a), the
4 governing body of the school corporation shall adopt a revenue
5 spending plan for the proposed referendum tax levy that includes:

6 (1) an estimate of the amount of annual revenue expected to be
7 collected if a levy is imposed under this chapter;

8 (2) the specific purposes described in IC 20-40-20-6 for which the
9 revenue collected from a levy imposed under this chapter will be
10 used;

11 (3) an estimate of the annual dollar amounts that will be expended
12 for each purpose described in subdivision (2); and

13 (4) for a resolution for a referendum that is adopted after May 10,
14 2023, for a county described in section 22(a) of this chapter, the
15 projected revenue that shall be distributed to charter schools as
16 provided in subsection (d). The revenue spending plan shall also
17 take into consideration deviations in the proposed revenue
18 spending plan if the actual charter school distributions exceed or
19 are lower than the projected charter school distributions described
20 in subsection (d). The resolution shall include for each charter
21 school that elects to participate under subsection (i) information
22 described in subdivisions (1) through (3).

23 (h) A school corporation shall specify in its proposed budget the
24 school corporation's revenue spending plan adopted under subsection
25 (g) and annually present the revenue spending plan at its public hearing
26 on the proposed budget under IC 6-1.1-17-3.

27 (i) This subsection applies to a resolution described in subsection
28 (a) for a county described in section 22(a) of this chapter that is
29 adopted after May 10, 2023. At least forty-five (45) days before the
30 resolution described in subsection (a) is voted on by the governing
31 body, the school corporation shall contact each charter school,
32 excluding virtual charter schools or adult high schools, disclosed by the
33 department to the school corporation under subsection (f) to determine
34 whether the charter school will participate in the referendum. **The**
35 **notice must include the total amount of the school corporation's**
36 **expected need, the corresponding estimate of that amount divided**
37 **by the number of students enrolled in the school corporation, and**
38 **the date on which the governing body of the school corporation will**
39 **vote on the resolution.** The charter school must respond in writing to
40 the school corporation, **which may be by electronic mail addressed**
41 **to the superintendent of the school corporation,** at least fifteen (15)
42 days prior to the date that the resolution described in subsection (a) is



1 to be voted on by the governing body. If the charter school elects to not
 2 participate in the referendum, the school corporation may exclude
 3 distributions to the charter school under section 22 of this chapter and
 4 from the projection described in subsection (d). If the charter school
 5 elects to participate in the referendum, the charter school may receive
 6 distributions under section 22 of this chapter and must be included in
 7 the projection described in subsection (d). In addition, a charter school
 8 that elects to participate in the referendum under this subsection shall
 9 contribute a proportionate share of the cost to conduct the referendum
 10 based on the total combined ADM of the school corporation and any
 11 participating charter schools.

12 (j) This subsection applies to a resolution described in subsection
 13 (a) for a county described in section 22(a) of this chapter that is
 14 adopted after May 10, 2023. At least thirty (30) days before the
 15 ~~resolution described in subsection (a)~~ **referendum submitted to the**
 16 **voters under this chapter** is voted on by the ~~governing body, public~~
 17 **in a primary or general election**, the school corporation that is
 18 pursuing the ~~resolution referendum~~ and any charter school that has
 19 elected to participate under subsection (i), shall post a referendum
 20 disclosure statement on each school's respective website that contains
 21 the following information:

22 (1) The salaries ~~of all employees employed~~ by **position within** the
 23 school corporation or charter school listed from highest salary to
 24 lowest salary **and a link to Gateway Indiana for access to**
 25 **individual salaries.**

26 (2) An acknowledgment that the school corporation or charter
 27 school is not committing any crime described in IC 35-44.1-1.

28 (3) A link to the school corporation's or charter school's most
 29 recent state board of accounts audit on the state board of accounts'
 30 website.

31 (4) The current enrollment of the school corporation or charter
 32 school disaggregated by student group and race.

33 (5) The school corporation's or charter school's high school
 34 graduation rate.

35 (6) The school corporation's or charter school's annual retention
 36 rate for teachers for the previous five (5) years.

37 SECTION 20. IC 20-51-1-5, AS AMENDED BY P.L.201-2023,
 38 SECTION 216, IS AMENDED TO READ AS FOLLOWS
 39 [EFFECTIVE JULY 1, 2024]: Sec. 5. "Eligible student" refers to an
 40 individual who:

41 (1) has legal settlement in Indiana;

42 (2) is at least four (4) years of age and less than twenty-two (22)



1 years of age on the date in the school year specified in
 2 ~~IC 20-33-2-7~~; on **October 1 of the applicable school year**;

3 (3) either has been or is currently enrolled in a participating
 4 school; and

5 (4) is a member of a household with an annual income of not
 6 more than four hundred percent (400%) of the amount required
 7 for the individual to qualify for the federal free or reduced price
 8 lunch program.

9 SECTION 21. IC 20-51.4-2-4, AS ADDED BY P.L.165-2021,
 10 SECTION 180, IS AMENDED TO READ AS FOLLOWS
 11 [EFFECTIVE JULY 1, 2024]: Sec. 4. "Eligible student" refers to an
 12 individual who:

13 (1) has legal settlement in Indiana;

14 (2) is at least five (5) years of age and less than twenty-two (22)
 15 years of age on the date in the school year specified in
 16 ~~IC 20-33-2-7~~; on **October 1 of the applicable school year**;

17 (3) is a student with a disability at the time the account is
 18 established who requires special education and for whom:

19 (A) an individualized education program;

20 (B) a service plan developed under 511 IAC 7-34; or

21 (C) a choice special education plan developed under 511
 22 IAC 7-49;

23 has been developed; and

24 (4) meets the annual income qualification requirement for a
 25 choice scholarship student under IC 20-51-1.

26 SECTION 22. IC 20-52-3-3, AS ADDED BY P.L.168-2022,
 27 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2024]: Sec. 3. (a) To be considered an enrichment student, the
 29 student must at a minimum:

30 (1) have experienced learning loss;

31 (2) have fallen behind in acquiring anticipated grade level
 32 academic skills and knowledge;

33 (3) have scored below academic standards or average
 34 benchmarks; or

35 (4) be at risk of falling below academic standards.

36 However, the department may establish more stringent criteria for
 37 determining eligibility for a grant under this article.

38 (b) For each school year, the department shall determine, based on
 39 the amount of funds available for the program, the number of grants
 40 that the department will award under the program. The number of
 41 applications approved and the number of grants awarded under this
 42 article by the department for the school year may not exceed the



1 number determined by the department under this section.

2 (c) ~~Only federal funds may be used to award grants under this~~
 3 ~~article. A grant may not be made under this article after funds received~~
 4 ~~by the department from the Elementary and Secondary School~~
 5 ~~Emergency Relief Fund (ESSER fund) are exhausted.~~

6 SECTION 23. IC 20-52-4-2, AS AMENDED BY P.L.171-2023,
 7 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2024]: Sec. 2. (a) An enrichment student who currently
 9 maintains an account is entitled to a grant amount, the amount of which
 10 shall be subject to available funding and determined by the department.
 11 The department shall deposit the enrichment grant amount under this
 12 section into an enrichment student's account in a manner established by
 13 the department.

14 (b) ~~Except as provided in~~ **Subject to** subsection (c), at the end of the
 15 year in which an account is established, the parent of an enrichment
 16 student may roll over for use in a subsequent year the amount available
 17 in the enrichment student's account.

18 (c) **The department shall determine the conditions under which**
 19 ~~an enrichment student's account shall terminate October 1, 2024.~~
 20 **terminates.**

21 SECTION 24. IC 20-52-7 IS REPEALED [EFFECTIVE JULY 1,
 22 2024]. (Expiration).

23 SECTION 25. **An emergency is declared for this act.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1380, 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 11, delete "an Indiana" and insert **"a pilot program that provides innovative approaches concerning the use, operation, and management of school facilities to promote:**

- (1) enhanced learning environments;**
- (2) unique learning opportunities; and**
- (3) improved student academic and health outcomes."**

Page 2, delete lines 12 through 19.

Page 2, line 24, delete "the" and insert **"a pilot program that encompasses innovative approaches for increasing transportation of students enrolled at a:**

- (1) public school, including a charter school; or**
 - (2) nonpublic school with at least one (1) employee;**
- to travel to and from a school or other learning opportunities in a safe and efficient manner."**

Page 2, delete lines 25 through 32.

Page 3, line 5, delete "Except in the case of a charter school".

Page 3, line 6, delete "corporation,".

Page 3, line 6, delete "the" and insert "The".

Page 3, line 32, after "examiner." insert **"A consolidated audit must include a breakdown of the activities, financial position, and functional expenses of the school."**

Page 3, delete lines 36 through 42.

Page 4, delete lines 1 through 24.

Page 5, line 31, delete "For" and insert **"Subject to an administrative fee as described in subsection (f), for"**.

Page 6, reset in roman lines 35 through 39.

Page 6, line 40, delete "(f)" and insert "(g)".

Page 8, line 13, after "services" insert **"for which funds from the school corporation's property tax levy (IC 20-46-8) are paid for the school corporation"**.

Page 8, line 15, delete "operating" and insert **"operations"**.

Page 8, line 16, delete "IC 20-46-1" and insert **"IC 20-46-8"**.

Page 8, line 18, after "transfers" delete "the" and insert **"a"**.

Page 8, line 19, delete "described in subdivision (1)".

Page 8, line 20, after "fund" insert **"under IC 20-40-3"**.

Page 8, line 24, delete "A" and insert **"Subject to an administrative**



fee as described in section 5(f) of this chapter, a".

Page 9, line 11, delete "A" and insert "**Subject to an administrative fee as described in subsection (g), a".**

Page 11, reset in roman lines 8 through 12.

Page 11, line 13, delete "(g)" and insert "(h)".

Page 12, line 15, after "services" insert "**for which funds from the school corporation's property tax levy (IC 20-46-8) are paid for the school corporation".**

Page 12, line 17, delete "operating" and insert "**operations".**

Page 12, line 18, delete "IC 20-46-1" and insert "**IC 20-46-8".**

Page 12, line 20, after "transfers" delete "the" and insert "**a".**

Page 12, line 21, delete "described in subdivision (1)".

Page 12, line 22, after "fund" insert "**under IC 20-40-3".**

Page 12, line 26, delete "A" and insert "**Subject to an administrative fee as described in section 2(g) of this chapter, a".**

Page 13, line 34, reset in roman "(a)".

Page 14, between lines 13 and 14, begin a new paragraph and insert:

"(b) A transferee corporation may not require a parent or student requesting transfer to the school corporation to pay transfer tuition or any other fee associated with the transfer of the student."

Page 17, delete line 42.

Delete pages 18 through 27.

Page 28, delete lines 1 through 26, begin a new paragraph and insert:

"SECTION 23. IC 20-46-1-8, AS AMENDED BY P.L.189-2023, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 8. (a) Subject to subsections (e), (f), and (g) and this chapter, the governing body of a school corporation may adopt a resolution to place a referendum under this chapter on the ballot for any of the following purposes:

(1) The governing body of the school corporation determines that it cannot, in a calendar year, carry out its public educational duty unless it imposes a referendum tax levy under this chapter.

(2) The governing body of the school corporation determines that a referendum tax levy under this chapter should be imposed to replace property tax revenue that the school corporation will not receive because of the application of the credit under IC 6-1.1-20.6.

(3) Except for resolutions described in subsection (b), the governing body makes the determination required under subdivision (1) or (2) and determines to share a portion of the



referendum proceeds with a charter school, excluding a virtual charter school, in the manner prescribed in subsection (e).

(b) A resolution for a referendum for a county described in section 21 of this chapter that is adopted after May 10, 2023, shall specify that a portion of the proceeds collected from the proposed levy will be distributed to applicable charter schools in the manner described under section 21 of this chapter.

(c) The governing body of the school corporation shall certify a copy of the resolution to place a referendum on the ballot to the following:

- (1) The department of local government finance, including:
 - (A) the language for the question required by section 10 of this chapter, or in the case of a resolution to extend a referendum levy certified to the department of local government finance after March 15, 2016, section 10.1 of this chapter; and
 - (B) a copy of the revenue spending plan adopted under subsection (g).

The language of the public question must include the estimated average percentage increases certified by the county auditor under section 10(e) or 10.1(f) of this chapter, as applicable. The governing body of the school corporation shall also provide the county auditor's certification described in section 10(e) or 10.1(f) of this chapter, as applicable. The department of local government finance shall post the values certified by the county auditor to the department's website. The department shall review the language for compliance with section 10 or 10.1 of this chapter, whichever is applicable, and either approve or reject the language. The department shall send its decision to the governing body of the school corporation not more than ten (10) days after the resolution is submitted to the department. If the language is approved, the governing body of the school corporation shall certify a copy of the resolution, including the language for the question and the department's approval.

(2) The county fiscal body of each county in which the school corporation is located (for informational purposes only).

(3) The circuit court clerk of each county in which the school corporation is located.

(d) If a school safety referendum tax levy under IC 20-46-9 has been approved by the voters in a school corporation at any time in the previous three (3) years, the school corporation may not:

- (1) adopt a resolution to place a referendum under this chapter on the ballot; or



(2) otherwise place a referendum under this chapter on the ballot.

(e) Except as provided in section 21 of this chapter, the resolution described in subsection (a) must indicate whether proceeds in the school corporation's education fund collected from a tax levy under this chapter will be used to provide a distribution to a charter school or charter schools, excluding a virtual charter school, under IC 20-40-3-5 as well as the amount that will be distributed to the particular charter school or charter schools. A school corporation may request from the designated charter school or charter schools any financial documentation necessary to demonstrate the financial need of the charter school or charter schools.

(f) This subsection applies to a resolution described in subsection (a) for a county described in section 21(a) of this chapter that is adopted after May 10, 2023. The resolution described in subsection (a) shall include a projection of the amount that the school corporation expects to be distributed to a particular charter school, excluding virtual charter schools or adult high schools, under section 21 of this chapter if the charter school voluntarily elects to participate in the referendum in the manner described in subsection (i). At least sixty (60) days before the resolution described in subsection (a) is voted on by the governing body, the school corporation shall contact the department to determine the number of students in kindergarten through grade 12 who have legal settlement in the school corporation but attend a charter school, excluding virtual charter schools or adult high schools, and who receive not more than fifty percent (50%) virtual instruction. The department shall provide the school corporation with the number of students with legal settlement in the school corporation who attend a charter school and who receive not more than fifty percent (50%) virtual instruction, which shall be disaggregated for each particular charter school, excluding a virtual charter school or adult high school. The projection may include an expected increase in charter schools during the term the levy is imposed under this chapter. The department of local government finance shall prescribe the manner in which the projection shall be calculated. The governing body shall take into consideration the projection when adopting the revenue spending plan under subsection (g).

(g) As part of the resolution described in subsection (a), the governing body of the school corporation shall adopt a revenue spending plan for the proposed referendum tax levy that includes:

- (1) an estimate of the amount of annual revenue expected to be collected if a levy is imposed under this chapter;
- (2) the specific purposes for which the revenue collected from a



levy imposed under this chapter will be used;

(3) an estimate of the annual dollar amounts that will be expended for each purpose described in subdivision (2); and

(4) for a resolution for a referendum that is adopted after May 10, 2023, for a county described in section 21(a) of this chapter, the projected revenue that shall be distributed to charter schools as provided in subsections (f) and (i). The revenue spending plan shall also take into consideration deviations in the proposed revenue spending plan if the actual charter school distributions exceed or are lower than the projected charter school distributions described in subsection (f). The resolution shall include for each charter school that elects to participate under subsection (i) information described in subdivisions (1) through (3).

(h) A school corporation shall specify in its proposed budget the school corporation's revenue spending plan adopted under subsection (g) and annually present the revenue spending plan at its public hearing on the proposed budget under IC 6-1.1-17-3.

(i) This subsection applies to a resolution described in subsection (a) for a county described in section 21(a) of this chapter that is adopted after May 10, 2023. At least forty-five (45) days before the resolution described in subsection (a) is voted on by the governing body, the school corporation shall contact each charter school, excluding virtual charter schools or adult high schools, disclosed by the department to the school corporation under subsection (f) to determine whether the charter school will participate in the referendum. **The notice must include the total amount of the school corporation's expected need, the corresponding estimate for that amount divided by the number of students enrolled in the school corporation, and the date on which the governing body of the school corporation will vote on the resolution.** The charter school must respond in writing to the school corporation, **which may be by electronic mail addressed to the superintendent of the school corporation,** at least fifteen (15) days prior to the date that the resolution described in subsection (a) is to be voted on by the governing body. If the charter school elects to not participate in the referendum, the school corporation may exclude distributions to the charter school under section 21 of this chapter and from the projection described in subsection (f). If the charter school elects to participate in the referendum, the charter school may receive distributions under section 21 of this chapter and must be included in the projection described in subsection (f). In addition, a charter school that elects to participate in the referendum under this subsection shall contribute a proportionate share of the cost to conduct the referendum



based on the total combined ADM of the school corporation and any participating charter schools.

(j) This subsection applies to a resolution described in subsection (a) for a county described in section 21(a) of this chapter that is adopted after May 10, 2023. At least thirty (30) days before the ~~resolution described in subsection (a)~~ **referendum submitted to the voters under this chapter** is voted on by the ~~governing body~~, **public in a primary or general election**, the school corporation that is pursuing the ~~resolution referendum~~ and any charter school that has elected to participate under subsection (i), shall post a referendum disclosure statement on each school's respective website that contains the following information:

(1) The salaries ~~of all employees employed~~ by **position within** the school corporation or charter school listed from highest salary to lowest salary **and a link to Gateway Indiana for access to individual salaries.**

(2) An acknowledgment that the school corporation or charter school is not committing any crime described in IC 35-44.1-1.

(3) A link to the school corporation's or charter school's most recent state board of accounts audit on the state board of accounts' website.

(4) The current enrollment of the school corporation or charter school disaggregated by student group and race.

(5) The school corporation's or charter school's high school graduation rate.

(6) The school corporation's or charter school's annual retention rate for teachers for the previous five (5) years.

SECTION 24. IC 20-46-9-6, AS AMENDED BY P.L.189-2023, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 6. (a) Subject to this chapter, the governing body of a school corporation may adopt a resolution to place a referendum under this chapter on the ballot if the governing body of the school corporation determines that a referendum levy should be imposed for measures to improve school safety as described in IC 20-40-20-6(a) or IC 20-40-20-6(b).

(b) Except as provided in section 22 of this chapter, a school corporation may, with the approval of the majority of members of the governing body, distribute a portion of the proceeds of a tax levy collected under this chapter that is deposited in the fund to a charter school, excluding a virtual charter school, that is located within the attendance area of the school corporation, to be used by the charter school for the purposes described in IC 20-40-20-6(a).



(c) This subsection applies to a resolution described in subsection (a) that is adopted after May 10, 2023, in a county described in section 22(a) of this chapter. A resolution shall specify that a portion of the proceeds of the proposed levy will be distributed to applicable charter schools in the manner described under section 22 of this chapter if the charter school voluntarily elects to participate in the referendum in the manner described in subsection (i).

(d) This subsection applies to a resolution described in subsection (a) that is adopted after May 10, 2023, in a county described in section 22(a) of this chapter. The resolution described in subsection (a) shall include a projection of the amount that the school corporation expects to be distributed to a particular charter school, excluding virtual charter schools or adult high schools, under section 22 of this chapter that elects to participate in the referendum under subsection (i). At least sixty (60) days before the resolution described in subsection (a) is voted on by the governing body, the school corporation shall contact the department to determine the number of students in kindergarten through grade 12 who have legal settlement in the school corporation but attend a charter school, excluding virtual charter schools or adult high schools, and who receive not more than fifty percent (50%) virtual instruction. The department shall provide the school corporation with the number of students with legal settlement in the school corporation who attend a charter school, which shall be disaggregated for each particular charter school, excluding a virtual charter school or adult high school. The projection may include an expected increase in charter schools during the term the levy is imposed. The department of local government finance shall prescribe the manner in which the projection shall be calculated. The governing body shall take into consideration the projection when adopting the revenue spending plan under subsection (g).

(e) The governing body of the school corporation shall certify a copy of the resolution to the following:

- (1) The department of local government finance, including:
 - (A) the language for the question required by section 9 of this chapter, or in the case of a resolution to extend a referendum levy certified to the department of local government finance, section 10 of this chapter; and
 - (B) a copy of the revenue spending plan adopted under subsection (g).

The language of the public question must include the estimated average percentage increases certified by the county auditor under section 9(d) or 10(f) of this chapter, as applicable. The governing



body of the school corporation shall also provide the county auditor's certification described in section 9(d) or 10(f) of this chapter, as applicable. The department of local government finance shall post the values certified by the county auditor to the department's website. The department shall review the language for compliance with section 9 or 10 of this chapter, whichever is applicable, and either approve or reject the language. The department shall send its decision to the governing body of the school corporation not more than ten (10) days after the resolution is submitted to the department. If the language is approved, the governing body of the school corporation shall certify a copy of the resolution, including the language for the question and the department's approval.

(2) The county fiscal body of each county in which the school corporation is located (for informational purposes only).

(3) The circuit court clerk of each county in which the school corporation is located.

(f) Except as provided in section 22 of this chapter, the resolution described in subsection (a) must indicate whether proceeds in the school corporation's fund collected from a tax levy under this chapter will be used to provide a distribution to a charter school or charter schools, excluding a virtual charter school, under IC 20-40-20-6(b) as well as the amount that will be distributed to the particular charter school or charter schools. A school corporation may request from the designated charter school or charter schools any financial documentation necessary to demonstrate the financial need of the charter school or charter schools.

(g) As part of the resolution described in subsection (a), the governing body of the school corporation shall adopt a revenue spending plan for the proposed referendum tax levy that includes:

(1) an estimate of the amount of annual revenue expected to be collected if a levy is imposed under this chapter;

(2) the specific purposes described in IC 20-40-20-6 for which the revenue collected from a levy imposed under this chapter will be used;

(3) an estimate of the annual dollar amounts that will be expended for each purpose described in subdivision (2); and

(4) for a resolution for a referendum that is adopted after May 10, 2023, for a county described in section 22(a) of this chapter, the projected revenue that shall be distributed to charter schools as provided in subsection (d). The revenue spending plan shall also take into consideration deviations in the proposed revenue



spending plan if the actual charter school distributions exceed or are lower than the projected charter school distributions described in subsection (d). The resolution shall include for each charter school that elects to participate under subsection (i) information described in subdivisions (1) through (3).

(h) A school corporation shall specify in its proposed budget the school corporation's revenue spending plan adopted under subsection (g) and annually present the revenue spending plan at its public hearing on the proposed budget under IC 6-1.1-17-3.

(i) This subsection applies to a resolution described in subsection (a) for a county described in section 22(a) of this chapter that is adopted after May 10, 2023. At least forty-five (45) days before the resolution described in subsection (a) is voted on by the governing body, the school corporation shall contact each charter school, excluding virtual charter schools or adult high schools, disclosed by the department to the school corporation under subsection (f) to determine whether the charter school will participate in the referendum. **The notice must include the total amount of the school corporation's expected need, the corresponding estimate of that amount divided by the number of students enrolled in the school corporation, and the date on which the governing body of the school corporation will vote on the resolution.** The charter school must respond in writing to the school corporation, **which may be by electronic mail addressed to the superintendent of the school corporation,** at least fifteen (15) days prior to the date that the resolution described in subsection (a) is to be voted on by the governing body. If the charter school elects to not participate in the referendum, the school corporation may exclude distributions to the charter school under section 22 of this chapter and from the projection described in subsection (d). If the charter school elects to participate in the referendum, the charter school may receive distributions under section 22 of this chapter and must be included in the projection described in subsection (d). In addition, a charter school that elects to participate in the referendum under this subsection shall contribute a proportionate share of the cost to conduct the referendum based on the total combined ADM of the school corporation and any participating charter schools.

(j) This subsection applies to a resolution described in subsection (a) for a county described in section 22(a) of this chapter that is adopted after May 10, 2023. At least thirty (30) days before the ~~resolution described in subsection (a)~~ **referendum submitted to the voters under this chapter** is voted on by the ~~governing body~~, **public in a primary or general election,** the school corporation that is



pursuing the ~~resolution~~ **referendum** and any charter school that has elected to participate under subsection (i), shall post a referendum disclosure statement on each school's respective website that contains the following information:

- (1) The salaries ~~of all employees employed~~ by **position within** the school corporation or charter school listed from highest salary to lowest salary **and a link to Gateway Indiana for access to individual salaries.**
- (2) An acknowledgment that the school corporation or charter school is not committing any crime described in IC 35-44.1-1.
- (3) A link to the school corporation's or charter school's most recent state board of accounts audit on the state board of accounts' website.
- (4) The current enrollment of the school corporation or charter school disaggregated by student group and race.
- (5) The school corporation's or charter school's high school graduation rate.
- (6) The school corporation's or charter school's annual retention rate for teachers for the previous five (5) years."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1380 as introduced.)

BEHNING

Committee Vote: yeas 7, nays 4.

HOUSE MOTION

Mr. Speaker: I move that House Bill 1380 be amended to read as follows:

- Page 2, line 9, delete "(a)".
- Page 2, line 19, delete "(a)".
- Page 12, delete lines 12 through 42.
- Page 13, delete lines 1 through 5.



Page 26, delete line 42.
Renumber all SECTIONS consecutively.
(Reference is to HB 1380 as printed January 18, 2024).

BEHNING

HOUSE MOTION

Mr. Speaker: I move that House Bill 1380 be amended to read as follows:

- Page 4, line 30, delete "zones as established".
 - Page 4, line 31, delete "by the innovation network team." and insert "zones."
 - Page 4, delete lines 32 through 38.
 - Page 4, line 39, delete "(8)" and insert "(7)".
 - Page 7, delete lines 21 through 42.
 - Page 8, delete lines 1 through 4.
 - Page 9, line 7, after "enrollment" insert "zones."
 - Page 9, delete lines 8 through 15.
 - Page 9, line 17, delete "board agrees that the charter" and insert "**innovation agreement shall not create an obligation that would cause the organizer to be in violation of its charter agreement (as described in IC 20-24-1-3).**".
 - Page 9, line 16, delete "(7)" and insert "(6)".
 - Page 9, delete lines 18 through 20.
 - Page 11, delete lines 27 through 38, begin a new paragraph and insert:
"(f) A school corporation may not charge an organizer an amount for goods and services that is greater than the amount the organizer receives in property tax (IC 20-46-8-11.2)."
- Renumber all SECTIONS consecutively.
(Reference is to HB 1380 as printed January 18, 2024.)

BEHNING



COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred House Bill No. 1380, 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 1, delete lines 1 through 15.
- Page 2, delete lines 1 through 6.
- Page 2, delete lines 28 through 42.
- Page 3, delete lines 1 through 32.
- Page 4, line 9, reset in roman "state and".
- Page 4, line 9, after "funding" insert ", "
- Page 4, line 9, reset in roman "including tuition".
- Page 4, line 10, reset in roman "support,".
- Page 4, reset in roman lines 24 through 26.
- Page 4, line 27, delete "(6)" and insert "(7)".
- Page 4, delete lines 31 through 37.
- Page 5, line 26, reset in roman "(b)(6),".
- Page 5, line 26, delete "(b)(7),".
- Page 6, line 1, after "without" insert "**written**".
- Page 6, line 4, delete "JULY 1, 2024]:" and insert "UPON PASSAGE]:".
- Page 7, line 17, delete "JULY 1, 2024]:" and insert "UPON PASSAGE]:".
- Page 7, line 33, after "distribute" insert "**at least**".
- Page 8, line 3, delete "and, for an agreement entered into" and insert "**and**".
- Page 8, line 4, delete "or renewed after June 30, 2024,".
- Page 8, reset in roman lines 7 through 9.
- Page 8, line 10, delete "(4)" and insert "(5)".
- Page 8, line 12, delete "(5) For an agreement entered into or renewed after June 30," and insert "(6) **Subject**".
- Page 8, line 13, delete "2024, and subject".
- Page 8, line 17, delete "(6) For an agreement entered into or renewed after June 30," and insert "(7) **A**".
- Page 8, line 18, delete "2024, a".
- Page 9, line 13, reset in roman "(b)(4),".
- Page 9, line 13, delete "(b)(6),".
- Page 9, line 28, after "without" insert "**written**".
- Page 9, line 32, delete "JULY 1, 2024]:" and insert "UPON PASSAGE]:".

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Page 10, delete lines 28 through 30, begin a new paragraph and insert:

"(f) Unless an agreement entered into before July 1, 2024, between a board and an organizer provides otherwise, a school corporation may not charge an organizer an amount for goods and services that is greater than the amount of the operations fund property tax levy the organizer receives under IC 20-46-8-11.2 for the participating innovation network charter school."

Page 10, line 33, delete "JULY 1, 2024]:" and insert "UPON PASSAGE]:".

Page 10, line 36, after "distribute" insert "**at least**".

Page 14, delete lines 18 through 42, begin a new paragraph and insert:

"SECTION 16. IC 20-35-2-1, AS AMENDED BY P.L.43-2021, SECTION 114, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 1. (a) There is established under the state board a division of special education. The division shall exercise all the power and duties set out in this chapter, IC 20-35-3 through IC 20-35-6, and IC 20-35-8.

(b) The governor shall appoint, upon the recommendation of the secretary of education, a director of special education who serves at the pleasure of the governor. The amount of compensation of the director shall be determined by the budget agency with the approval of the governor. The director has the following duties:

(1) To do the following:

(A) Have general supervision of special education programs and services, including those conducted by school corporations, charter schools, the Indiana School for the Blind and Visually Impaired, the Indiana School for the Deaf, the department of correction, and the division of mental health and addiction to ensure compliance with federal and state special education laws and rules.

(B) Take appropriate action to ensure school corporations, charter schools, and the department remain eligible for federal special education funds.

(C) Oversee the training of hearing officers and establish guidelines as described in IC 20-35-14-5.

(2) With the consent of the secretary of education and the budget agency, to appoint and determine salaries for any assistants and other personnel needed to enable the director to accomplish the duties of the director's office.

SECTION 17. IC 20-35-14 IS ADDED TO THE INDIANA CODE



AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:

Chapter 14. Employment of Independent Hearing Officers

Sec. 1. As used in this chapter, "IDEA" refers to the federal Individuals with Disabilities Education Act, 20 U.S.C. 1400 et seq.

Sec. 2. As used in this chapter, "office" has the meaning set forth in IC 4-15-10.5-6.

Sec. 3. (a) The office has jurisdiction over hearing officers authorized to conduct hearings required by the IDEA.

(b) The office is granted jurisdiction to conduct hearings described in subsection (a) as permitted under IC 4-15-10.5-12.

Sec. 4. Not later than August 1, 2024, the department and the office shall enter into a memorandum of understanding regarding the transition to hearing officers employed by the office as full-time, salaried, state employees to act as and satisfy the requirements regarding independent hearing officers under the IDEA.

Sec. 5. The director of special education appointed under IC 20-35-2-1 shall:

- (1) oversee the training of hearing officers; and**
- (2) establish guidelines for hearing officers who conduct hearings under this chapter, including guidelines to ensure compliance with state and federal special education laws and rules.**

Sec. 6. The office shall:

- (1) determine the cost of conducting hearings under this chapter; and**
- (2) after July 1, 2025, assess each school corporation and charter school in the state a fee that is sufficient to cover the costs determined under subdivision (1)."**

Page 15, delete lines 1 through 17.

Page 15, line 20, delete "JULY 1, 2024]:" and insert "UPON PASSAGE]:".

Page 19, line 22, delete "JULY 1, 2024]:" and insert "UPON PASSAGE]:".

Page 24, after line 39, begin a new paragraph and insert:

"SECTION 25. An emergency is declared for this act."

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass and be reassigned to the Senate Committee on Appropriations.



(Reference is to HB 1380 as reprinted January 24, 2024.)

RAATZ, Chairperson

Committee Vote: Yeas 11, Nays 1.

