

# SENATE BILL No. 1

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 20-24-8-5; IC 20-30-7; IC 20-32.

**Synopsis:** Reading skills. Requires certain schools to offer summer school courses for students who are not reading proficient or are at risk of not being reading proficient as indicated on the determinant evaluation of reading skills approved by the state board of education (evaluation). Expands eligibility for funding for summer school courses. Requires the department of education (department) to procure a universal screening assessment (assessment) that meets certain criteria. Requires certain schools to administer the assessment to students in kindergarten through grade 2 who are not on track for reading proficiency by grade 3 as determined by the department. Provides that a vendor must supply a student's assessment results to the student and the student's parents. Applies the reading deficiency  
(Continued next page)

**Effective:** July 1, 2024.

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**Rogers, Raatz, Buchanan, Garten,  
Donato, Crane, Deery, Johnson T,  
Holdman, Doriot, Brown L, Gaskill,  
Carrasco, Alexander, Charbonneau,  
Messmer, Walker K, Glick, Byrne,  
Niemeyer, Maxwell, Buck, Koch,  
Busch, Leising, Dernulc, Crider,  
Freeman, Becker, Goode, Baldwin**

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January 16, 2024, read first time and referred to Committee on Education and Career Development.



## Digest Continued

remediation plan (plan) to public schools, charter schools, state accredited nonpublic schools, and eligible schools. Makes the following changes to the plan: (1) Beginning with evaluations administered in the 2024-2025 school year, requires retention of a student in grade 3 in addition to remediation if the student has not achieved a passing score on the evaluation. (2) Requires schools to notify a student's parent of certain assessment results, interventions, or remedial actions provided to the student. (3) Requires schools to monitor the progress of students who have failed to achieve a passing score on the evaluation or the statewide assessment program test. (4) Requires schools to provide reading instruction aligned with the science of reading to all students in kindergarten through grade 8. (5) Requires schools to administer the evaluation to students who are in grade 2. (6) Requires a student to take the evaluation until certain conditions are met. Creates exceptions to the grade 3 retention requirement for a student who meets certain criteria.



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

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

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

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2023 Regular Session of the General Assembly.

# SENATE BILL No. 1



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 20-24-8-5, AS AMENDED BY P.L.201-2023,
- 2 SECTION 157, IS AMENDED TO READ AS FOLLOWS
- 3 [EFFECTIVE JULY 1, 2024]: Sec. 5. The following statutes and rules
- 4 and guidelines adopted under the following statutes apply to a charter
- 5 school:
- 6 (1) IC 5-11-1-9 (required audits by the state board of accounts).
- 7 (2) IC 20-39-1-1 (unified accounting system).
- 8 (3) IC 20-35 (special education).
- 9 (4) IC 20-26-5-10 (criminal history).
- 10 (5) IC 20-26-5-6 (subject to laws requiring regulation by state
- 11 agencies).
- 12 (6) IC 20-28-10-12 (nondiscrimination for teacher marital status).
- 13 (7) IC 20-28-10-14 (teacher freedom of association).
- 14 (8) IC 20-28-10-17 (school counselor immunity).
- 15 (9) For conversion charter schools only if the conversion charter
- 16 school elects to collectively bargain under IC 20-24-6-3(b),
- 17 IC 20-28-6, IC 20-28-7.5, IC 20-28-8, IC 20-28-9, and



- 1 IC 20-28-10.  
 2 (10) IC 20-33-2 (compulsory school attendance).  
 3 (11) IC 20-33-8-19, IC 20-33-8-21, and IC 20-33-8-22 (student  
 4 due process and judicial review).  
 5 (12) IC 20-33-8-16 (firearms and deadly weapons).  
 6 (13) IC 20-34-3 (health and safety measures).  
 7 (14) IC 20-33-9 (reporting of student violations of law).  
 8 (15) IC 20-30-3-2 and IC 20-30-3-4 (patriotic commemorative  
 9 observances).  
 10 (16) IC 20-31-3, IC 20-32-4, IC 20-32-5 (for a school year ending  
 11 before July 1, 2018), IC 20-32-5.1 (for a school year beginning  
 12 after June 30, 2018), IC 20-32-8, and IC 20-32-8.5, as provided  
 13 in ~~IC 20-32-8.5-2(b)~~ **IC 20-32-8.5-2** (academic standards,  
 14 accreditation, assessment, and remediation).  
 15 (17) IC 20-33-7 (parental access to education records).  
 16 (18) IC 20-31 (accountability for school performance and  
 17 improvement).  
 18 (19) IC 20-30-5-19 (personal financial responsibility instruction).  
 19 (20) IC 20-26-5-37.3, before its expiration (career and technical  
 20 education reporting).  
 21 (21) IC 20-35.5 (dyslexia screening and intervention).  
 22 (22) IC 22-2-18, before its expiration on June 30, 2021  
 23 (limitations on employment of minors).  
 24 (23) IC 20-26-12-1 (curricular material purchase and provision;  
 25 public school students).  
 26 (24) IC 20-26-12-2 (curricular material purchase and rental).

27 SECTION 2. IC 20-30-7-1, AS AMENDED BY P.L.167-2018,  
 28 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29 JULY 1, 2024]: Sec. 1. **(a) Except as provided in subsection (c)**, the  
 30 state board may prescribe a program of summer school education for  
 31 public schools. The state board shall adopt rules under IC 4-22-2 to  
 32 provide for:

- 33 (1) summer school programs; and  
 34 (2) the state distribution formula for any money appropriated by  
 35 the general assembly for summer school education to allow for  
 36 the reimbursement for:  
 37 (A) instructional costs; and  
 38 (B) costs of tuition for an applicable online summer school  
 39 course.

40 **(b) The state distribution formula shall ensure priority**  
 41 **reimbursement for all eligible costs for summer school courses**  
 42 **designated by the department to support students in:**



- 1           (1) grade 2 who are at risk of not being reading proficient;
- 2           and
- 3           (2) grade 3 who are not reading proficient;
- 4           as indicated on the determinant evaluation of reading skills
- 5           approved by the state board.

6           (c) A state accredited nonpublic school and an eligible school (as  
 7           defined in IC 20-51-1-4.7) shall be eligible for summer school  
 8           funding for courses designated by the department to support  
 9           students in:

- 10           (1) grade 2 who are at risk of not being reading proficient;
- 11           and
- 12           (2) grade 3 who are not reading proficient;
- 13           as indicated on the determinant evaluation of reading skills
- 14           approved by the state board.

15           SECTION 3. IC 20-30-7-13 IS ADDED TO THE INDIANA CODE  
 16           AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 17           1, 2024]: **Sec. 13. (a) This section applies to:**

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

21           (b) A school shall offer summer school courses designated by the  
 22           department to support students in:

- 23           (1) grade 2 who are at risk of not being reading proficient;
- 24           and
- 25           (2) grade 3 who are not reading proficient;
- 26           as indicated on the determinant evaluation of reading skills
- 27           approved by the state board.

28           SECTION 4. IC 20-32-1-1, AS AMENDED BY P.L.92-2020,  
 29           SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 30           JULY 1, 2024]: **Sec. 1. Except as provided in IC 20-32-8.5,** this  
 31           article applies only to the following:

- 32           (1) Public schools.
- 33           (2) State accredited nonpublic schools.

34           SECTION 5. IC 20-32-2-2.1 IS ADDED TO THE INDIANA CODE  
 35           AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 36           1, 2024]: **Sec. 2.1. "Retention" means an individual repeating the**  
 37           **same grade level in a subsequent school year that the individual**  
 38           **participated in during the immediately preceding school year.**

39           SECTION 6. IC 20-32-2-3, AS AMENDED BY P.L.92-2020,  
 40           SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 41           JULY 1, 2024]: **Sec. 3. Except as provided in IC 20-32-8.5-0.7,**  
 42           "student" means an individual who is enrolled in:



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

6 SECTION 7. IC 20-32-5.1-17, AS AMENDED BY P.L.245-2023,  
 7 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 8 JULY 1, 2024]: Sec. 17. (a) The state board shall approve two (2) or  
 9 more benchmark, formative, interim, or similar assessments to identify  
 10 students that require remediation and provide individualized instruction  
 11 in which a school corporation, charter school, state accredited  
 12 nonpublic school, or eligible school (as defined in IC 20-51-1-4.7) may  
 13 receive a grant under subsection (g).

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

- 18 (1) The assessment:
  - 19 (A) focuses on English/language arts; and
  - 20 (B) shows alignment, verified by a third party, to Indiana's
  - 21 academic standards for English/language arts domains,
  - 22 specifically foundational reading skills.
- 23 (2) The assessment is a universal screener that:
  - 24 (A) meets the screening requirements listed in IC 20-35.5-2-2;
  - 25 (B) measures foundational reading skills; and
  - 26 (C) received a convincing or partially convincing rating for
  - 27 accuracy, reliability, and validity by the National Center on
  - 28 Intensive Intervention or a nationally recognized dyslexia
  - 29 assessment expert.
- 30 (3) The assessment focuses on numeracy and shows alignment,
- 31 verified by a third party, to Indiana's academic standards for
- 32 mathematical domains, specifically:
  - 33 (A) number sense;
  - 34 (B) computation and algebraic thinking; and
  - 35 (C) measurement.

36 (c) For a benchmark, formative, interim, or similar assessment  
 37 described in subsection (a) that is administered to students in grades 3  
 38 through 7, the assessment must show alignment, verified by a third  
 39 party, to Indiana's academic standards.

40 (d) For a benchmark, formative, interim, or similar assessment  
 41 described in subsection (a) that is administered to students in grades 8  
 42 through 10, the assessment must show alignment, verified by a third



- 1 party, to:
- 2 (1) Indiana's academic standards; or
- 3 (2) the nationally recognized college entrance exam required to be
- 4 administered under section 7 of this chapter.
- 5 (e) This subsection does not apply to an assessment that is a
- 6 universal screener described in subsection (b)(2). The majority of the
- 7 benchmark, formative, interim, or similar assessment reporting must
- 8 indicate the degree to which students are on track for grade level
- 9 proficiency and college and career readiness. Approved assessments
- 10 must also provide predictive study results for student performance on
- 11 the statewide assessment under section 7 of this chapter, not later than
- 12 two (2) years after the summative assessment has been first
- 13 administered.
- 14 (f) This subsection does not apply to an assessment that is a
- 15 universal screener described in subsection (b)(2). A school corporation,
- 16 charter school, state accredited nonpublic school, or eligible school (as
- 17 defined in IC 20-51-1-4.7) may elect to administer a benchmark,
- 18 formative, interim, or similar assessment described in subsection (a).
- 19 If a school corporation, charter school, state accredited nonpublic
- 20 school, or eligible school (as defined in IC 20-51-1-4.7) administers an
- 21 assessment described in subsection (a), the school corporation, charter
- 22 school, state accredited nonpublic school, or eligible school (as defined
- 23 in IC 20-51-1-4.7) may prescribe the time and the manner in which the
- 24 assessment is administered.
- 25 (g) If a school corporation, charter school, state accredited
- 26 nonpublic school, or eligible school (as defined in IC 20-51-1-4.7)
- 27 elects to administer a benchmark, formative, interim, or similar
- 28 assessment described in subsection (a), the school corporation, charter
- 29 school, state accredited nonpublic school, or eligible school (as defined
- 30 in IC 20-51-1-4.7) is entitled to receive a grant or reimbursement from
- 31 the department in an amount not to exceed the cost of the assessment.
- 32 The department shall provide grants and reimbursements to a school
- 33 corporation, charter school, state accredited nonpublic school, or
- 34 eligible school (as defined in IC 20-51-1-4.7) under this section from
- 35 money appropriated to the department for the purpose of carrying out
- 36 this section.
- 37 (h) **Except as provided in subsection (j)**, the state board and the
- 38 department may not contract with, approve, or endorse the use of a
- 39 single vendor to provide benchmark, formative, interim, or similar
- 40 assessments for any grade level or levels of kindergarten through grade
- 41 7.
- 42 (i) Before the state board may approve a benchmark, formative,



1 interim, or similar assessment described in subsection (a), the  
 2 assessment vendor must enter into a data share agreement with the  
 3 department in the manner prescribed by the department. **A vendor**  
 4 **providing an assessment described in subsection (b)(2) shall**  
 5 **provide a summary of a student's assessment results to the student**  
 6 **and the student's parents. The summary of the results must be in**  
 7 **an understandable format for parents that is easy to read.**

8 (j) The department shall procure a preferred assessment that  
 9 meets the requirements specified in subsection (b)(2). The  
 10 department shall provide technical assistance for the preferred  
 11 assessment selected under this subsection.

12 (k) This subsection applies to a public school, including a  
 13 charter school, a state accredited nonpublic school, and an eligible  
 14 school (as defined in IC 20-51-1-4.7). An elementary school shall  
 15 administer an assessment described in subsection (b)(2) to students  
 16 in kindergarten through grade 2 who are not on track for reading  
 17 proficiency by grade 3 as determined by the department. The  
 18 department shall provide guidance as to the number of times the  
 19 assessment is required and when the assessments should occur.

20 SECTION 8. IC 20-32-8.5-0.5 IS ADDED TO THE INDIANA  
 21 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 22 [EFFECTIVE JULY 1, 2024]: **Sec. 0.5. This chapter applies to:**

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

26 SECTION 9. IC 20-32-8.5-0.7 IS ADDED TO THE INDIANA  
 27 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 28 [EFFECTIVE JULY 1, 2024]: **Sec. 0.7. As used in this chapter,**  
 29 **"student" means an individual who is enrolled in a school**  
 30 **described in section 0.5 of this chapter.**

31 SECTION 10. IC 20-32-8.5-2, AS AMENDED BY P.L.245-2023,  
 32 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 33 JULY 1, 2024]: **Sec. 2. (a) Except as provided in subsection (b), ~~or (c)~~,**  
 34 **the plan required by this chapter must include the following:**

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

39 (A) **beginning with evaluations administered during the**  
 40 **2024-2025 school year, and except as provided in**  
 41 **subsection (c), retention of the student in grade 3 if the**  
 42 **student has not achieved a passing score on the**





- 1            **determinant evaluation of reading skills approved by the**  
 2            **state board; and**  
 3            **(B) the use of curricular materials and supplemental**  
 4            **materials aligned to the science of reading that are**  
 5            **designed to address deficiencies in reading;**  
 6            ~~retention as a last resort~~, after other methods of remediation have  
 7            been evaluated or used, or both, if reading skills are below the  
 8            standard. Appropriate consultation with parents or guardians must  
 9            be part of the plan.
- 10          **(3) A requirement that schools notify a student's parent or**  
 11          **guardian of the following:**
- 12            **(A) The student's assessment results regarding skill level**  
 13            **in:**
- 14                **(i) phonemic awareness;**  
 15                **(ii) phonics;**  
 16                **(iii) fluency;**  
 17                **(iv) vocabulary; and**  
 18                **(v) comprehension.**
- 19            **(B) The student's assessment results on the determinant**  
 20            **evaluation of reading skills approved by the state board.**
- 21            **(C) Any intervention provided to the student or any**  
 22            **remedial action taken.**
- 23          **(4) A requirement that schools monitor the progress of**  
 24          **students who failed to achieve a valid passing score on the:**
- 25            **(A) determinant evaluation of reading skills approved by**  
 26            **the state board; or**  
 27            **(B) statewide assessment program test.**
- 28          **(5) A requirement that schools provide reading instruction**  
 29          **that includes a core reading program aligned with the science**  
 30          **of reading to all students in kindergarten through grade 8.**
- 31          **(6) A requirement for the administration of the determinant**  
 32          **evaluation of reading skills approved by the state board to**  
 33          **students in grade 2.**
- 34          **(7) A requirement that all students take the determinant**  
 35          **evaluation of reading skills approved by the state board until**  
 36          **the student:**
- 37                **(A) receives a passing score, regardless of the student's**  
 38                **grade level; or**  
 39                **(B) enters grade 7.**
- 40          ~~(8)~~ **(8) Requirements for a public school maintained by a school**  
 41          **corporation in which fewer than seventy percent (70%) of**  
 42          **students of the school achieved a valid passing score on the**



determinant evaluation of reading skills approved by the state board ~~The requirements for the public schools described in this subdivision~~ **that** must include the following:

(A) Use of curriculum that is:

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

(B) Employment of an instructional coach **with a literacy related endorsement who is** trained in the science of reading.

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

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

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

~~(4)~~ (9) The fiscal impact of each component of the plan, if any. In determining whether a component has a fiscal impact, consideration shall be given to whether the component will increase costs to the state or a school corporation or require the state or school corporation to reallocate resources.

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

- (1) A method for making determinant evaluations of reading skills by grade 3;
- (2) Retention as a last resort for students reading below grade level as measured by the evaluation or assessment.

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

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

- (1) The student was subject to retention and has been retained in grade 3 for one (1) school year.
- (2) The student has an intellectual disability or the student's individualized education program specifies that retention is not appropriate, and the student's case conference committee has determined that promotion to another grade is appropriate.
- (3) The student is an English learner who has received services for fewer than two (2) years and a committee consisting of:



- 1           **(A) the student's parent;**  
2           **(B) a building level administrator or designee;**  
3           **(C) a classroom teacher of service;**  
4           **(D) an English learner teacher of record, if one exists; and**  
5           **(E) an English learner district administrator, if one exists;**  
6           **determines that promotion is appropriate based on the**  
7           **implementation of research based instructional practices**  
8           **outlined in the student's individual learning plan.**  
9           **(4) The student received a score of proficient or above**  
10           **proficient in grade 3 math on the statewide assessment.**  
11           **(d) A student who is not retained under subsection (c)(4) must**  
12           **be provided with additional reading instruction until the student**  
13           **achieves a passing score on the determinant evaluation of reading**  
14           **skills approved by the state board.**

