

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 ENROLLED ACT No. 212

AN ACT to amend the Indiana Code concerning education.

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

SECTION 1. IC 20-21-2-4, AS AMENDED BY P.L.100-2012, SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 4. (a) The board shall appoint the chief executive officer, subject to the approval of the governor. The executive serves at the pleasure of the board.

(b) The executive appointee must have the following qualifications:

- (1) Be an educator with knowledge, skill, and ability in the appointee's profession.
- (2) Have at least five (5) years experience in instruction of students with visual impairment disabilities.
- (3) Have a master's degree or a higher degree.
- ~~(4) Meet the qualifications for an Indiana teacher's certificate in the area of visual impairment disabilities.~~
- ~~(5)~~ (4) Have at least five (5) years experience supervising other individuals.

(c) The board shall give preference to a candidate for the chief executive officer position who meets the qualifications for an Indiana teacher's certificate in the area of visual impairment disabilities. However, the board may not require a candidate for the chief executive officer position to meet the qualifications for an Indiana teacher's certificate in the area of visual impairment disabilities.

SECTION 2. IC 20-22-3-12 IS ADDED TO THE INDIANA CODE

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AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 12. Subject to the approval of the board, the school may partner with an existing nonprofit corporation that is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code to benefit the purposes of the school, which may include, but is not limited to, the following actions by the nonprofit corporation:**

- (1) **Soliciting and accepting private sector funding, gifts, donations, bequests, devises, and contributions.**
- (2) **Promoting public awareness of and support for the purposes of the school.**
- (3) **Enhancing the academic, social, and cultural opportunities for students of the school and Indiana children who are deaf or have a hearing disability.**
- (4) **Providing outreach and engagement activities to school alumni.**

SECTION 3. IC 20-26-5-4.3, AS ADDED BY P.L.148-2012, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 4.3. (a) ~~At least seven (7) days~~ Before a contract for employment is entered into by a governing body and a school superintendent, the governing body shall hold a public meeting on the proposed contract at which public comment is heard. **The public meeting may be a regular or special meeting of the governing body.** The governing body is not required to disclose the identity of the candidate for superintendent at the public meeting.

(b) Notice of the meeting on the proposed contract shall be given in accordance with IC 5-3-1 and posted on the school corporation's Internet web site.

(c) The notice provided in subsection (b) must:

- (1) state that on a given day, time, and place the governing body will meet to discuss and hear objections to and support for the proposed contract; and
- (2) set forth the details of the proposed contract, including the actual monetary value of the contract, benefits, and any additional forms of compensation for each year of the contract.

(d) A governing body shall post the provisions of an employment contract that the governing body enters into with a superintendent of the school corporation on the school corporation's Internet web site.

SECTION 4. IC 20-28-3-3.1, AS ADDED BY P.L.243-2023, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 3.1. (a) As used in this section, "teacher candidate" means an individual recommended for an initial teaching



license from a teacher preparation program located in Indiana.

(b) As used in this section, "teacher preparation program" includes the following:

- (1) A teacher education school or department.
- (2) A transition to teaching program under IC 20-28-4.
- (3) Any other entity approved by the department to offer a course of study leading to an initial teaching license.

(c) As used in this section, "three-cueing model" refers to the three-cueing model of reading:

- (1) that uses visual memory as the primary basis for teaching word recognition; or**
- (2) that is based on meaning, structure and syntax, and visual cues.**

~~(c)~~ **(d)** The department shall develop guidelines requiring accredited teacher preparation programs to use curriculum or content that instructs teacher candidates on the science of reading.

(e) A teacher preparation program shall not use curriculum or content that is based on the three-cueing model.

~~(d)~~ **(f)** Beginning July 1, 2024, the department shall conduct a review of accredited teacher preparation programs for alignment with the requirements of ~~subsection (c)~~: **subsections (d) and (e)**.

~~(e)~~ **(g)** Upon review by the department under subsection ~~(d)~~; **(f)**, an accredited teacher preparation program that is not in alignment with the requirements of ~~subsection (c)~~ **subsections (d) and (e)** shall be submitted for a referral under section 1(l) of this chapter.

~~(f)~~ **(h)** If an accredited teacher preparation program:

- (1) has been submitted for a referral under subsection ~~(e)~~; **(g)**; and
- (2) fails to meet the criteria of the improvement plan developed under section 1(l) of this chapter;

the department shall revoke the teacher preparation program's right to use the word "accredited".

SECTION 5. IC 20-28-8-6, AS AMENDED BY P.L.155-2020, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 6. (a) A contract entered into by a governing body and its superintendent is subject to the following conditions:

- (1) If the superintendent holds a license under IC 20-28-5, the basic contract must be in the form of the regular teacher's contract.
- (2) The contract may be altered or rescinded for a new one at any time by mutual consent of the governing body and the superintendent. The consent of both parties must be in writing and must be expressed in a manner consistent with this section and



section 7 of this chapter.

(3) If the superintendent holds a license under IC 20-28-5, the rights of a superintendent as a teacher under any other law are not affected by the contract. However, if a right of a superintendent as a teacher under any other law conflicts with the conditions under subsection (b), subsection (b) governs.

(4) For a contract entered into or renewed after June 30, 2017, the conditions set forth under subsection (b).

(b) This subsection applies to contracts entered into or renewed after June 30, 2017. A contract entered into by a governing body and its superintendent is subject to the following conditions:

(1) The contract must be for a term of at least one (1) year and not more than three (3) years. However, a contract may be extended for not more than an additional five (5) years beyond the term of the original contract.

(2) If the contract contains a provision that establishes an amount the governing body must pay to the superintendent to buy out the contract, the amount may not be more than an amount equal to the lesser of:

(A) the superintendent's salary for any one (1) year under the contract; or

(B) two hundred fifty thousand dollars (\$250,000).

A superintendent's salary under clause (A) does not include benefits or any other forms of compensation that the superintendent receives as payment under the contract other than the superintendent's salary.

(c) This subsection applies to a governing body in which at least ~~one~~ **(†) member is two (2) members are** elected. After June 30, 2021, a governing body may not enter into a contract with a superintendent under this section on or after the date of the election for ~~one (†) two (2)~~ or more members of the governing body until January 1 of the year immediately following the year of the election. However, this subsection does not apply if:

(1) the membership of the governing body does not change as a result of the particular election; or

(2) only one (1) new member is elected to the governing body.

SECTION 6. IC 20-43-1-22 IS REPEALED [EFFECTIVE JULY 1, 2024]. Sec. 22. "Primetime program" refers to the program established under IC 20-43-9-1.

SECTION 7. IC 20-43-9 IS REPEALED [EFFECTIVE JULY 1, 2024]. (Primetime Program).

SECTION 8. IC 20-52-3-3, AS ADDED BY P.L.168-2022,



SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 3. (a) To be considered an enrichment student, the student must at a minimum:

- (1) have experienced learning loss;
- (2) have fallen behind in acquiring anticipated grade level academic skills and knowledge;
- (3) have scored below academic standards or average benchmarks; or
- (4) be at risk of falling below academic standards.

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

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

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

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

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

(c) The department shall determine conditions under which an enrichment student's account shall terminate. ~~October 1, 2024.~~

SECTION 10. IC 20-52-7 IS REPEALED [EFFECTIVE JULY 1, 2024]. (Expiration).

SECTION 11. An emergency is declared for this act.



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

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