

SENATE BILL No. 213

DIGEST OF INTRODUCED BILL

Citations Affected: IC 12-17.2.

Synopsis: Prekindergarten programs. Exempts public schools and charter schools from: (1) certain paths to quality program requirements; and (2) certain prekindergarten program eligible provider requirements. Provides that a prekindergarten child care program located in a public school or a charter school is in compliance with certain child care and development fund voucher program requirements if approved by another state regulatory authority. Requires the office of family and social services (office) to request an amendment to include public schools and charter schools in the office's child care and development fund voucher program.

Effective: Upon passage; July 1, 2024.

Alexander

January 9, 2024, read first time and referred to Committee on Education and Career Development.



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. 213



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 12-17.2-3.5-1, AS AMENDED BY P.L.225-2013,
2 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2024]: Sec. 1. (a) This chapter applies to all child care
4 providers regardless of whether a provider is required to be licensed or
5 registered under this article. However, except as provided in section
6 4(b) of this chapter, a child care provider that is licensed under
7 IC 12-17.2-4 or IC 12-17.2-5 is considered to be in compliance with
8 this chapter.

9 (b) If a school age child care program that is:
10 (1) described in IC 12-17.2-2-8(10); and
11 (2) located in a school building;
12 is determined to be in compliance with a requirement of this chapter by
13 another state regulatory authority, the school age child care program is
14 considered to be in compliance with the requirement under this
15 chapter.

16 **(c) If a prekindergarten child care program that is located in a**
17 **public school (as defined in IC 20-18-2-15) or a charter school (as**



1 **defined in IC 20-24-1-4) is determined to be in compliance with a**
 2 **requirement of this chapter by another state regulatory authority,**
 3 **the prekindergarten child care program is considered to be in**
 4 **compliance with the requirement under this chapter.**

5 SECTION 2. IC 12-17.2-7.2-2, AS AMENDED BY P.L.268-2019,
 6 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2024]: Sec. 2. As used in this chapter, "eligible provider"
 8 refers to a provider that satisfies the following conditions:

9 (1) The provider is:

10 (A) a:

11 ~~(i) public school, including a charter school;~~

12 ~~(ii) (i) child care center licensed under IC 12-17.2-4;~~

13 ~~(iii) (ii) child care home licensed under IC 12-17.2-5; or~~

14 ~~(iv) (iii) child care ministry registered under IC 12-17.2-6;~~

15 that meets the standards of quality recognized by a Level 3 or
 16 Level 4 paths to QUALITY program rating;

17 **(B) a public school (as defined in IC 20-18-2-15) or a**
 18 **charter school (as defined in IC 20-24-1-4), regardless of**
 19 **whether the public school or charter school meets the**
 20 **qualifications necessary to receive voucher payments**
 21 **under the federal Child Care and Development Fund**
 22 **voucher program (as defined in IC 12-14-31-1);**

23 ~~(B) (C) a school that is accredited by the state board of~~
 24 ~~education or a national or regional accreditation agency that is~~
 25 ~~recognized by the state board of education; or~~

26 ~~(C) (D) a school that is accredited to provide qualified early~~
 27 ~~education services by an accrediting agency approved by the~~
 28 ~~office of the secretary.~~

29 (2) The provider:

30 (A) provides qualified early education services to eligible and
 31 limited eligibility children; and

32 (B) complies with the agreement with the office concerning
 33 the delivery of qualified education services and the use of a
 34 grant provided under this chapter.

35 SECTION 3. IC 12-17.2-7.2-7.3, AS AMENDED BY P.L.246-2023,
 36 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2024]: Sec. 7.3. **Except for an eligible provider described**
 38 **in section 2(1)(B) of this chapter,** the office shall require, for an
 39 eligible provider to enroll in the prekindergarten program, that the
 40 eligible provider agree to the following:

41 (1) Comply on a continuing basis with the requirements under this
 42 chapter and rules for participation established by the office.



- 1 (2) Maintain eligibility under this chapter throughout the
2 prekindergarten program year.
- 3 (3) Report immediately any changes in eligibility status to the
4 office, including the eligible provider's loss of national or regional
5 accreditation.
- 6 (4) Participate in any training and mandatory meetings required
7 by the office.
- 8 (5) Participate in all onsite visits conducted by the office,
9 including fiscal auditing activities with regard to the
10 prekindergarten program and prekindergarten program activity
11 monitoring.
- 12 (6) Allow families of eligible or limited eligibility children
13 enrolled in the prekindergarten program of the eligible provider
14 to visit at any time the prekindergarten program is in operation.
- 15 (7) Maintain accurate online attendance records through the
16 attendance portal for eligible or limited eligibility children
17 enrolled in the prekindergarten program and submit attendance
18 records as required by the office.
- 19 (8) Offer parental engagement and involvement activities in the
20 prekindergarten program of the eligible provider in alignment
21 with the family engagement framework adopted by the early
22 learning advisory committee established by IC 12-17.2-3.8-5.
- 23 (9) Complete, within the period established by the office, the
24 Indiana early childhood family engagement toolkit, including the
25 family engagement self-assessment, adopted by the early learning
26 advisory committee.
- 27 (10) Share information on the family engagement self-assessment
28 described in subdivision (9) as required by the office.
- 29 (11) Participate in research studies as required by the office.
- 30 (12) Enforce minimum attendance requirements of at least
31 eighty-five percent (85%) of the days that the prekindergarten
32 program of the eligible provider is offered to an eligible or limited
33 eligibility child.
- 34 (13) Inform the office that an eligible or limited eligibility child
35 has withdrawn from the prekindergarten program of the eligible
36 provider not later than five (5) days after the eligible or limited
37 eligibility child is withdrawn.
- 38 (14) That retroactive repayment to the state may be required or
39 future payments may be adjusted as a result of the withdrawal of
40 an eligible or limited eligibility child or changes in the law.
- 41 (15) Maintain records of participation by a family of an eligible
42 or limited eligibility child in family engagement activities and



- 1 submit records as required by the office.
 2 (16) Promote an eligible or limited eligibility child's social,
 3 emotional, and behavioral health and eliminate or severely limit
 4 the use of expulsion, suspension, and other exclusionary
 5 discipline practices.
 6 (17) Use the exclusionary discipline practices described in
 7 subdivision (16) only as a last resort in extraordinary
 8 circumstances when there is a determination of a serious safety
 9 threat that cannot otherwise be reduced or eliminated by the
 10 provision of reasonable modifications.
 11 (18) Inform and receive approval from the office before the
 12 eligible provider expels, suspends, or uses other exclusionary
 13 discipline practices.
 14 (19) Assist a parent or guardian, upon request by the parent or
 15 guardian, in obtaining information from, referral to, or both
 16 information from and referral to, the public school that serves the
 17 attendance area in which the parent or guardian resides for an
 18 educational evaluation and determination of eligibility for special
 19 education services if developmental delays or reasons to suspect
 20 a disability are observed by the parent, guardian, or teacher of an
 21 eligible or limited eligibility child during the prekindergarten
 22 program year.
- 23 **SECTION 4. [EFFECTIVE UPON PASSAGE] (a) The office of the**
 24 **secretary of family and social services established by IC 12-8-1.5-1**
 25 **shall request approval from the United States Department of**
 26 **Health and Human Services to include:**
 27 **(1) a public school (as defined in IC 20-18-2-15); and**
 28 **(2) a charter school (as defined in IC 20-24-1-4);**
 29 **in the state plan for the federal Child Care and Development Fund**
 30 **voucher program (as defined in IC 12-14-31-1) plan.**
 31 **(b) This SECTION expires July 1, 2025.**
 32 **SECTION 5. An emergency has been declared for this act.**

