

First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

## HOUSE ENROLLED ACT No. 1635

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AN ACT to amend the Indiana Code concerning education.

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

SECTION 1. IC 20-26-5-43 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2023]: **Sec. 43. Each school corporation shall publish on the school corporation's website the graduation rate for each high school in the school corporation.**

SECTION 2. IC 20-26-13-5, AS AMENDED BY P.L.192-2018, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 5. (a) As used in this chapter, "graduation" means the successful completion by a student of:

- (1) a sufficient number of academic credits, or the equivalent of academic credits; and
- (2) the graduation examination (before July 1, 2022), a postsecondary readiness competency established by the state board under IC 20-32-4-1.5(c), or a waiver process required under IC 20-32-3 through IC 20-32-5.1;

resulting in the awarding of an Indiana diploma **or an alternative diploma described in IC 20-32-4-14.**

(b) The term does not include the granting of a general educational development diploma under IC 20-20-6 (before its repeal) or IC 22-4.1-18.

SECTION 3. IC 20-26-13-10, AS AMENDED BY P.L.32-2021, SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2023]: Sec. 10. (a) Except as provided in section 11 of this chapter **and subject to IC 20-32-4-14**, the four (4) year graduation rate for a cohort in a high school is the percentage determined under STEP FIVE of the following formula:

STEP ONE: Determine the grade 9 enrollment at the beginning of the reporting year three (3) years before the reporting year for which the graduation rate is being determined.

STEP TWO: Add:

(A) the number determined under STEP ONE; and

(B) the number of students who:

(i) have enrolled in the high school after the date on which the number determined under STEP ONE was determined; and

(ii) have the same expected graduation year as the cohort.

STEP THREE: Subtract from the sum determined under STEP TWO the number of students who have left the cohort for any of the following reasons:

(A) Transfer to another public or nonpublic school.

(B) Except as provided in IC 20-33-2-28.6 and subsection (b), removal by the student's parents under IC 20-33-2-28 to provide instruction equivalent to that given in the public schools.

(C) Withdrawal because of a long term medical condition or death.

(D) Detention by a law enforcement agency or the department of correction.

(E) Placement by a court order or the department of child services.

(F) Enrollment in a virtual school.

(G) Leaving school, if the student attended school in Indiana for less than one (1) school year and the location of the student cannot be determined.

(H) Leaving school, if the location of the student cannot be determined and the student has been reported to the Indiana clearinghouse for information on missing children and missing endangered adults.

(I) Withdrawing from school before graduation, if the student is a high ability student (as defined in IC 20-36-1-3) who is a full-time student at an accredited institution of higher education during the semester in which the cohort graduates.

(J) Withdrawing from school before graduation pursuant to providing notice of withdrawal under section 17 of this



chapter.

(K) Participating in the high school equivalency pilot program under IC 20-30-8.5, unless the student fails to successfully complete the high school equivalency pilot program in the two (2) year period. This clause expires June 30, 2024.

**STEP FOUR: Determine the result of:**

**(A)** the total number of students determined under STEP TWO who have graduated during the current reporting year or a previous reporting year; **minus**

**(B)** the amount by which the number of students who graduated through a waiver process required under IC 20-32-3 through IC 20-32-5.1 exceeds:

**(i)** nine percent (9%) of the total number of students determined under clause (A) for the 2023-2024 school year;

**(ii)** six percent (6%) of the total number of students determined under clause (A) for the 2024-2025 school year; or

**(iii)** three percent (3%) of the total number of students determined under clause (A) for each school year after June 30, 2025.

**STEP FIVE: Divide:**

(A) the number determined under STEP FOUR; by

(B) the remainder determined under STEP THREE.

(b) This subsection applies to a high school in which:

(1) for a:

(A) cohort of one hundred (100) students or less, at least ten percent (10%) of the students left a particular cohort for a reason described in subsection (a) STEP THREE clause (B); or

(B) cohort of more than one hundred (100) students, at least five percent (5%) of the students left a particular cohort for a reason described in subsection (a) STEP THREE clause (B); and

(2) the students described in subdivision (1)(A) or (1)(B) are not on track to graduate with their cohort.

A high school must submit a request to the state board in a manner prescribed by the state board requesting that the students described in this subsection be included in the subsection (a) STEP THREE calculation. The state board shall review the request and may grant or deny the request. The state board shall deny the request unless the high school demonstrates good cause to justify that the students described



in this subsection should be included in the subsection (a) STEP THREE calculation. If the state board denies the request the high school may not subtract the students described in this subsection under subsection (a) STEP THREE.

SECTION 4. IC 20-28-5-27, AS ADDED BY P.L.168-2022, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 27. (a) In an effort to fill a vacant teaching position, offer a new program or class, or supplement a program currently being offered, the governing body of a school corporation **or the equivalent authority for a charter school or nonpublic school** may issue an adjunct teacher permit to an individual if the following minimum requirements are met:

- (1) The individual has at least four (4) years of experience in the content area in which the individual intends to teach.
- (2) The school corporation, **charter school, or nonpublic school** conducts an expanded criminal history check and expanded child protection index check concerning the individual as required under IC 20-26-5-10.
- (3) The individual has not been convicted of a felony listed in section 8(c) of this chapter or described in section 8(d) of this chapter or the individual's conviction has been reversed, vacated, or set aside on appeal.

However, the governing body **or equivalent authority** may establish stricter requirements than the requirements prescribed by this subsection.

(b) If a governing body of a school corporation **or the equivalent authority for a charter school or nonpublic school** issues an adjunct teacher permit to an individual under subsection (a):

- (1) the school corporation, **charter school, or nonpublic school** may enter into an employment agreement for employment with the individual as a part-time or full-time teacher of the school corporation, **charter school, or nonpublic school**;
- (2) the individual who holds the adjunct permit may teach in any content area, **including a career and technical education content area**, in which the school corporation, **charter school, or nonpublic school** allows the individual to teach based on the individual's experience described in subsection (a);
- (3) the individual must be assigned a teacher mentor for support in pedagogy; and
- (4) the individual must complete the following training within the first ninety (90) days of employment:
  - (A) IC 20-26-5-34.2 (bullying prevention).



(B) IC 20-28-3-4.5 (training on child abuse and neglect).

(C) IC 20-28-3-6 (youth suicide awareness and prevention training).

(D) IC 20-28-3-7 (training on human trafficking).

(c) An adjunct teacher may not provide special education instruction.

(d) The salary of an adjunct teacher under an employment agreement described in IC 20-28-6-7.3 is not subject to the requirements under IC 20-28-9-1.5 or a local compensation plan established by a school corporation as described in IC 20-28-9-1.5.

(e) Except as otherwise provided in a collective bargaining agreement entered into or renewed before July 1, 2022, an employment agreement entered into under this section is not subject to a collective bargaining agreement entered into under IC 20-29.

(f) It is not an unfair practice for a school corporation to enter into an employment agreement under this section.

(g) Each school corporation **or charter school** that hires an adjunct teacher under this section shall report to the department the following information:

(1) The number of adjunct teachers who hold a permit issued under this section that the school corporation **or charter school** has hired each school year, disaggregated by the grade level and subject area taught by the adjunct teacher.

(2) The following information for each adjunct teacher described in subdivision (1):

(A) The name of the adjunct teacher.

(B) The subject matter the adjunct teacher is permitted to teach.

(C) A description of the adjunct teacher's experience described in subsection (a)(1).

(D) The adjunct teacher's total salary and any other compensation paid to the adjunct teacher during the school year.

(E) The number of previous adjunct teaching employment agreements the adjunct teacher has entered into with the school corporation or **charter school or any other school corporation or charter school**.

(h) A school corporation **or charter school** shall post a vacant adjunct teacher position on the department's online adjunct teacher portal established under IC 20-19-3-25.

(i) A school corporation may notify the parents of students enrolled in the school corporation of a vacant adjunct teacher position.



(j) The governing body of a school corporation shall announce any vacant adjunct teacher positions at meetings of the governing body.

SECTION 5. IC 20-28-6-4, AS AMENDED BY P.L.168-2022, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 4. (a) This section does not apply to:

- (1) a teacher employed as a substitute teacher; or
- (2) an individual who holds an adjunct teacher permit issued by the governing body of a school corporation **or the equivalent authority for a charter school or nonpublic school** under IC 20-28-5-27.

(b) A teacher employed in a public school must be employed on a uniform teacher's contract or a supplemental service teacher's contract.

SECTION 6. IC 20-28-6-7.3, AS ADDED BY P.L.168-2022, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 7.3. (a) An employment agreement entered into between a school corporation, **charter school, or nonpublic school** and an individual who holds an adjunct teacher permit issued by the governing body of a school corporation **or the equivalent authority for a charter school or nonpublic school** under IC 20-28-5-27 must:

- (1) be in writing;
- (2) be signed by both parties; and
- (3) contain the following:
  - (A) The total salary and any other compensation to be paid to the adjunct teacher during the school year.
  - (B) The method and frequency of salary payments.
  - (C) The number of classes the adjunct teacher is to teach.
  - (D) The classes and subject matter areas that the adjunct teacher will be teaching.
  - (E) An expiration date that is not later than the end of the school year.

(b) An employment agreement under this section is a public record open to inspection.

(c) An adjunct teacher may enter into employment agreements with more than one (1) school corporation, **charter school, or nonpublic school**.

SECTION 7. IC 20-30-10-2, AS AMENDED BY P.L.286-2013, SECTION 98, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 2. (a) **Subject to section 2.7 of this chapter**, the state board shall adopt the following:

- (1) College/technology preparation curriculum models that may include all or part of the college preparation curriculum models developed by the department under section 1 of this chapter.



(2) Teacher and staff training to implement the college/technology preparation curriculum models.

(b) The college/technology preparation curriculum models that the state board adopts under subsection (a) must meet the conditions listed in section 3 of this chapter.

SECTION 8. IC 20-30-10-2.5, AS ADDED BY P.L.192-2018, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 2.5. (a) In adopting Core 40 curriculum models under this chapter, the state board shall consider math course requirements other than Algebra II. Any math course requirements adopted for the Core 40 curriculum models must be at a level of difficulty that aligns with postsecondary preparation.

(b) If a school offers a math course developed under subsection (a), a parent of a student and the student who intends to enroll in the course must provide consent to the school to enroll in the course. The consent form used by the school, which shall be developed by the state board in collaboration with the commission for higher education, must notify the parent and the student that enrollment in the course may affect the student's ability to attend a particular postsecondary educational institution or enroll in a particular course at a particular postsecondary educational institution because the course does not align with academic requirements established by the postsecondary educational institution.

(c) **Subject to section 2.7 of this chapter**, the state board shall adopt rules under IC 4-22-2 to establish:

- (1) math course requirements; and
- (2) science course requirements;

for the Core 40 curriculum models adopted under this chapter.

SECTION 9. IC 20-30-10-2.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 2.7. (a) The state board shall:**

**(1) develop algebra I, algebra II, and geometry courses that include:**

- (A) real world application; and**
- (B) project based and inquiry based learning; and**
- (2) implement the courses described in subdivision (1) not later than the 2025-2026 school year.**

**(b) The state board may adopt rules under IC 4-22-2 to implement this section.**

**(c) This section expires July 1, 2027.**

SECTION 10. IC 20-32-4-1.5, AS AMENDED BY P.L.216-2021, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1.5. (a) This subsection expires July 1, 2022.



Except as provided in subsection (f) and sections 4, 5, 6, 7, 8, 9, and 10 of this chapter, each student is required to meet:

- (1) the academic standards tested in the graduation examination;
- (2) the Core 40 course and credit requirements adopted by the state board under IC 20-30-10; and
- (3) any additional requirements established by the governing body;

to be eligible to graduate.

(b) Except as provided in subsection (f) and sections 4, 4.1, 5, 6, 7, 8, 9, and 10 of this chapter, beginning with the class of students who expect to graduate during the 2022-2023 school year, each student shall:

- (1) demonstrate college or career readiness through a pathway established by the state board, in consultation with the department of workforce development and the commission for higher education;
- (2) meet the Core 40 course and credit requirements adopted by the state board under IC 20-30-10; and
- (3) **subject to section 1.8 of this chapter**, meet any additional requirements established by the governing body;

to be eligible to graduate.

(c) The state board shall establish graduation pathway requirements under subsection (b)(1) in consultation with the department of workforce development and the commission for higher education. A graduation pathway requirement may include the following postsecondary readiness competencies approved by the state board:

- (1) International baccalaureate exams.
- (2) Nationally recognized college entrance assessments.
- (3) Advanced placement exams.
- (4) Assessments necessary to receive college credit for dual credit courses.
- (5) Industry recognized certificates.
- (6) The Armed Services Vocational Aptitude Battery.
- (7) Cambridge International exams.
- (8) Any other competency approved by the state board.

(d) If the state board establishes a nationally recognized college entrance exam as a graduation pathway requirement, the nationally recognized college entrance exam must be offered to a student at the school in which the student is enrolled and during the normal school day.

(e) When an apprenticeship is established as a graduation pathway requirement, the state board shall establish as an apprenticeship only





an apprenticeship program registered under the federal National Apprenticeship Act (29 U.S.C. 50 et seq.) or another federal apprenticeship program administered by the United States Department of Labor.

(f) Notwithstanding subsection (a), a school corporation, charter school, or state accredited nonpublic school may voluntarily elect to use graduation pathways described in subsection (b) in lieu of the graduation examination requirements specified in subsection (a) prior to July 1, 2022.

(g) The state board, in consultation with the department of workforce development and the commission for higher education, shall approve college and career pathways relating to career and technical education, including sequences of courses leading to student concentrators.

(h) After June 30, 2021, the department may provide funding for students of accredited schools to take not more than three (3) Cambridge International exams per student. The department is also authorized to use funds to provide professional development training for teachers who teach Cambridge International courses.

**(i) If the state board establishes an Armed Services Vocational Aptitude Battery as a graduation pathway, the state board shall require a student who elects the pathway to submit documentation, on a form prescribed by the department, that demonstrates the student's intent to enlist in the military as a condition of meeting the pathway requirements.**

SECTION 11. IC 20-32-4-1.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 1.6. (a) The state board shall, not later than July 1, 2023, review and update any guidance issued by the state board regarding the Armed Services Vocational Aptitude Battery as a graduation pathway requirement.**

**(b) This section expires July 1, 2024.**

SECTION 12. IC 20-32-4-1.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 1.8. A school corporation, charter school, or state accredited nonpublic school may not require a student enrolled in the school corporation, charter school, or state accredited nonpublic school to participate in any particular graduation pathway to be eligible to graduate.**

SECTION 13. IC 20-32-4-14, AS AMENDED BY P.L.113-2021, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 14. (a) The state board shall create an alternate**



diploma for students with significant cognitive disabilities. The diploma must be:

- (1) standards-based; and
- (2) aligned with Indiana's requirements for an Indiana diploma.

~~(b) Not more than one percent (1%) of students of a cohort may receive the alternate diploma established by the state board under subsection (a):~~

~~(c) (b) The alternate diploma must comply with the federal Every Student Succeeds Act (ESSA) (20 U.S.C. 6311).~~

**(c) For purposes of determining a school's or school corporation's graduation rate under IC 20-26-13 or 511 IAC 6.2-10, not more than one percent (1%) of a school's or school corporation's graduation cohort that receives an alternate diploma may be counted as having graduated.**

(d) Not later than December 1, 2021, the state board shall adopt rules under IC 4-22-2 that are necessary to carry out this section.

SECTION 14. IC 20-33-2-13, AS AMENDED BY P.L.242-2017, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 13. ~~(a)~~ A school corporation shall record or include the following information in the official high school transcript for a student in high school:

- (1) Attendance records.
- (2) The student's latest statewide assessment program test results.
- (3) Any secondary level and postsecondary level certificates of achievement earned by the student.
- ~~(4) Immunization information from the immunization record the student's school keeps under IC 20-34-4-1.~~
- ~~(5) (4)~~ Any dual credit courses taken that are included in the core transfer library under IC 21-42-5-4.

~~(b) A school corporation may include information on a student's high school transcript that is in addition to the requirements of subsection (a):~~

SECTION 15. IC 20-34-4-3, AS AMENDED BY HEA 1013-2023, SECTION 191, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 3. (a) Each school shall notify each parent of a student who enrolls in the school of the requirement that the student must be immunized and that the immunization is required for the student's continued enrollment, attendance, or residence at the school unless:

- (1) the parent or student provides the appropriate documentation of immunity; or
- (2) IC 20-34-3-2 or IC 20-34-3-3 applies.

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(b) A school that enrolls grade 6 students shall provide each parent of a student who is entering grade 6 with information prescribed by the Indiana department of health under subsection (c) concerning the link between cancer and the human papillomavirus (HPV) infection and that an immunization against the human papillomavirus (HPV) infection is available.

(c) The Indiana department of health shall provide a school described in subsection (b) with the information concerning cancer and the human papillomavirus (HPV) infection required in subsection (b). The information must include the following:

- (1) The latest scientific information on the immunization against the human papillomavirus (HPV) infection and the immunization's effectiveness against causes of cancer.
- (2) That a pap smear is still critical for the detection of precancerous changes in the cervix to allow for treatment before cervical cancer develops.
- (3) Information concerning the means in which the human papillomavirus (HPV) infection is contracted.
- (4) A statement that any questions or concerns concerning immunizing the child against human papillomavirus (HPV) could be answered by contacting a health care provider.

(d) The Indiana department of health shall provide the department of education with material concerning immunizations and immunization preventable diseases for distribution to parents and guardians. The department of education shall provide these materials to schools to be provided to students' parents and guardians. These materials may be distributed by a school by posting the required information on the school's website.

**(e) Any notification or materials provided or distributed by the Indiana department of health or a school to a parent of a student regarding required or recommended immunizations for the student must clearly delineate or label immunizations that are required and immunizations that are only recommended.**

SECTION 16. [EFFECTIVE JULY 1, 2024] (a) **The definitions in IC 20 apply throughout this SECTION.**

**(b) The department shall develop a proposal for a revised school performance designation utilizing an "A" through "F" grading scale that is based on data contained in the Indiana Graduates Prepared to Succeed (GPS) dashboard described in IC 20-31-8-5.5.**

**(c) Not later than December 1, 2024, the department shall submit the proposal developed under subsection (b) to the general assembly in an electronic format under IC 5-14-6.**



**(d) This SECTION expires July 1, 2025.**  
**SECTION 17. An emergency is declared for this act.**



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Speaker of the House of Representatives

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President of the Senate

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President Pro Tempore

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

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