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# HOUSE BILL No. 1635

AM163506 has been incorporated into introduced printing.

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**Synopsis:** Various education matters.

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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.

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# HOUSE BILL No. 1635

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 20-26-5-43 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2023]: **Sec. 43. Each school corporation shall**  
4 **publish on the school corporation's website the graduation rate for**  
5 **each high school in the school corporation.**  
6 SECTION 2. IC 20-26-13-5, AS AMENDED BY P.L.192-2018,  
7 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
8 JULY 1, 2023]: Sec. 5. (a) As used in this chapter, "graduation" means  
9 the successful completion by a student of:  
10 (1) a sufficient number of academic credits, or the equivalent of  
11 academic credits; and  
12 (2) the graduation examination (before July 1, 2022) **or** a  
13 postsecondary readiness competency established by the state  
14 board under IC 20-32-4-1.5(c); **or a waiver process required**  
15 **under IC 20-32-3 through IC 20-32-5.1;**



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

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

6 SECTION 3. IC 20-26-13-10, AS AMENDED BY P.L.32-2021,  
 7 SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 8 JULY 1, 2023]: Sec. 10. (a) Except as provided in section 11 of this  
 9 chapter, the four (4) year graduation rate for a cohort in a high school  
 10 is the percentage determined under STEP FIVE of the following  
 11 formula:

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

15 STEP TWO: Add:

16 (A) the number determined under STEP ONE; and

17 (B) the number of students who:

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

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

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

26 (A) Transfer to another public or nonpublic school.

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

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

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

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

37 (F) Enrollment in a virtual school.

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

41 (H) Leaving school, if the location of the student cannot be

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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) six percent (6%) of the total number of students determined under clause (A) before July 1, 2027; or**
- (ii) three percent (3%) of the total number of students determined under clause (A) after June 30, 2027.**

**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

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1 on track to graduate with their cohort.  
 2 A high school must submit a request to the state board in a manner  
 3 prescribed by the state board requesting that the students described in  
 4 this subsection be included in the subsection (a) STEP THREE  
 5 calculation. The state board shall review the request and may grant or  
 6 deny the request. The state board shall deny the request unless the high  
 7 school demonstrates good cause to justify that the students described  
 8 in this subsection should be included in the subsection (a) STEP  
 9 THREE calculation. If the state board denies the request the high  
 10 school may not subtract the students described in this subsection under  
 11 subsection (a) STEP THREE.

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

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

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

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

- 36 (1) the school corporation **or nonpublic school** may enter into  
 37 an employment agreement for employment with the individual  
 38 as a part-time or full-time teacher of the school corporation **or**  
 39 **nonpublic school;**  
 40 (2) the individual who holds the adjunct permit may teach in any  
 41 content area, **including a career and technical education**

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- 1           **content area**, in which the school corporation **or nonpublic**
- 2           **school** allows the individual to teach based on the individual's
- 3           experience described in subsection (a);
- 4           (3) the individual must be assigned a teacher mentor for support
- 5           in pedagogy; and
- 6           (4) the individual must complete the following training within
- 7           the first ninety (90) days of employment:
- 8                 (A) IC 20-26-5-34.2 (bullying prevention).
- 9                 (B) IC 20-28-3-4.5 (training on child abuse and neglect).
- 10                (C) IC 20-28-3-6 (youth suicide awareness and prevention
- 11                training).
- 12                (D) IC 20-28-3-7 (training on human trafficking).
- 13           (c) An adjunct teacher may not provide special education
- 14           instruction.
- 15           (d) The salary of an adjunct teacher under an employment
- 16           agreement described in IC 20-28-6-7.3 is not subject to the
- 17           requirements under IC 20-28-9-1.5 or a local compensation plan
- 18           established by a school corporation as described in IC 20-28-9-1.5.
- 19           (e) Except as otherwise provided in a collective bargaining
- 20           agreement entered into or renewed before July 1, 2022, an employment
- 21           agreement entered into under this section is not subject to a collective
- 22           bargaining agreement entered into under IC 20-29.
- 23           (f) It is not an unfair practice for a school corporation to enter into
- 24           an employment agreement under this section.
- 25           (g) Each school corporation that hires an adjunct teacher under
- 26           this section shall report to the department the following information:
- 27                 (1) The number of adjunct teachers who hold a permit issued
- 28                 under this section that the school corporation has hired each
- 29                 school year, disaggregated by the grade level and subject area
- 30                 taught by the adjunct teacher.
- 31                 (2) The following information for each adjunct teacher described
- 32                 in subdivision (1):
- 33                       (A) The name of the adjunct teacher.
- 34                       (B) The subject matter the adjunct teacher is permitted to
- 35                       teach.
- 36                       (C) A description of the adjunct teacher's experience
- 37                       described in subsection (a)(1).
- 38                       (D) The adjunct teacher's total salary and any other
- 39                       compensation paid to the adjunct teacher during the school
- 40                       year.
- 41                       (E) The number of previous adjunct teaching employment

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1 agreements the adjunct teacher has entered into with the  
2 school corporation or any other school corporation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

35 for the Core 40 curriculum models adopted under this chapter.

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

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

41 **(A) real world application; and**

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- 1                   **(B) project based and inquiry based learning; and**
- 2                   **(2) implement the courses described in subdivision (1) not**
- 3                   **later than the 2025-2026 school year.**
- 4                   **(b) The state board may adopt rules under IC 4-22-2 to**
- 5                   **implement this section.**
- 6                   **(c) This section expires July 1, 2027.**
- 7                   SECTION 10. IC 20-32-4-1.5, AS AMENDED BY P.L.216-2021,
- 8                   SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 9                   JULY 1, 2023]: Sec. 1.5. (a) This subsection expires July 1, 2022.
- 10                  Except as provided in subsection (f) and sections 4, 5, 6, 7, 8, 9, and 10
- 11                  of this chapter, each student is required to meet:
- 12                   (1) the academic standards tested in the graduation examination;
- 13                   (2) the Core 40 course and credit requirements adopted by the
- 14                   state board under IC 20-30-10; and
- 15                   (3) any additional requirements established by the governing
- 16                   body;
- 17                  to be eligible to graduate.
- 18                   (b) Except as provided in subsection (f) and sections 4, 4.1, 5, 6,
- 19                   7, 8, 9, and 10 of this chapter, beginning with the class of students who
- 20                   expect to graduate during the 2022-2023 school year, each student
- 21                   shall:
- 22                   (1) demonstrate college or career readiness through a pathway
- 23                   established by the state board, in consultation with the
- 24                   department of workforce development and the commission for
- 25                   higher education;
- 26                   (2) meet the Core 40 course and credit requirements adopted by
- 27                   the state board under IC 20-30-10; and
- 28                   (3) meet any additional requirements established by the
- 29                   governing body;
- 30                  to be eligible to graduate.
- 31                   (c) The state board shall establish graduation pathway
- 32                   requirements under subsection (b)(1) in consultation with the
- 33                   department of workforce development and the commission for higher
- 34                   education. A graduation pathway requirement may include the
- 35                   following postsecondary readiness competencies approved by the state
- 36                   board:
- 37                   (1) International baccalaureate exams.
- 38                   (2) Nationally recognized college entrance assessments.
- 39                   (3) Advanced placement exams.
- 40                   (4) Assessments necessary to receive college credit for dual
- 41                   credit courses.
- 42                   (5) Industry recognized certificates.

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1 (6) The Armed Services Vocational Aptitude Battery.

2 (7) Cambridge International exams.

3 (8) Any other competency approved by the state board.

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

9 (e) When an apprenticeship is established as a graduation pathway  
10 requirement, the state board shall establish as an apprenticeship only  
11 an apprenticeship program registered under the federal National  
12 Apprenticeship Act (29 U.S.C. 50 et seq.) or another federal  
13 apprenticeship program administered by the United States Department  
14 of Labor.

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

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

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

30 **(i) If the state board establishes an Armed Services Vocational**  
31 **Aptitude Battery as a graduation pathway, the state board shall**  
32 **require a student who elects the pathway to enlist in the military as**  
33 **a condition of meeting the pathway requirements.**

34 SECTION 11. IC 20-32-4-14, AS AMENDED BY P.L.113-2021,  
35 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
36 JULY 1, 2023]: Sec. 14. (a) The state board shall create an alternate  
37 diploma for students with significant cognitive disabilities. The  
38 diploma must be:

39 (1) standards-based; and

40 (2) aligned with Indiana's requirements for an Indiana diploma.

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

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1 subsection (a):  
 2 (e) (b) The alternate diploma must comply with the federal Every  
 3 Student Succeeds Act (ESSA) (20 U.S.C. 6311).  
 4 (d) (c) Not later than December 1, 2021, the state board shall  
 5 adopt rules under IC 4-22-2 that are necessary to carry out this section.  
 6 SECTION 12. [EFFECTIVE JULY 1, 2022 (RETROACTIVE)]  
 7 (a) The definitions in IC 20 apply throughout this SECTION.  
 8 (b) Notwithstanding IC 20-31-8 and 511 IAC 6.2-10, the state  
 9 board shall assign to a school or school corporation a "null" or "no  
 10 letter grade" for the 2022-2023 school year. However, the most  
 11 recent results of the school's ILEARN assessment must be included  
 12 on the school's website.  
 13 (c) Notwithstanding IC 20-31-8 and 511 IAC 6.3-1, the state  
 14 board shall assign an adult high school a "null" or "no letter  
 15 grade" category for the 2022-2023 school year.  
 16 (d) This SECTION expires January 1, 2026.  
 17 SECTION 13. An emergency is declared for this act.

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