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HOUSE BILL No. 1635

Proposed Changes to February 14, 2023 printing by AM163514

DIGEST OF PROPOSED AMENDMENT

Student immunizations. Provides that 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.

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), 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;
- 16 resulting in the awarding of an Indiana diploma **or an alternative**
- 17 **diploma described in IC 20-32-4-14.**
- 18 (b) The term does not include the granting of a general educational

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1 development diploma under IC 20-20-6 (before its repeal) or
2 IC 22-4.1-18.

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

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

12 STEP TWO: Add:

- 13 (A) the number determined under STEP ONE; and
- 14 (B) the number of students who:
 - 15 (i) have enrolled in the high school after the date on
 - 16 which the number determined under STEP ONE was
 - 17 determined; and
 - 18 (ii) have the same expected graduation year as the
 - 19 cohort.

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

- 23 (A) Transfer to another public or nonpublic school.
- 24 (B) Except as provided in IC 20-33-2-28.6 and subsection
- 25 (b), removal by the student's parents under IC 20-33-2-28 to
- 26 provide instruction equivalent to that given in the public
- 27 schools.
- 28 (C) Withdrawal because of a long term medical condition
- 29 or death.
- 30 (D) Detention by a law enforcement agency or the
- 31 department of correction.
- 32 (E) Placement by a court order or the department of child
- 33 services.
- 34 (F) Enrollment in a virtual school.
- 35 (G) Leaving school, if the student attended school in
- 36 Indiana for less than one (1) school year and the location of
- 37 the student cannot be determined.
- 38 (H) Leaving school, if the location of the student cannot be
- 39 determined and the student has been reported to the Indiana
- 40 clearinghouse for information on missing children and
- 41 missing endangered adults.
- 42 (I) Withdrawing from school before graduation, if the

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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 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

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1 calculation. The state board shall review the request and may grant or
 2 deny the request. The state board shall deny the request unless the high
 3 school demonstrates good cause to justify that the students described
 4 in this subsection should be included in the subsection (a) STEP
 5 THREE calculation. If the state board denies the request the high
 6 school may not subtract the students described in this subsection under
 7 subsection (a) STEP THREE.

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

16 (1) The individual has at least four (4) years of experience in the
 17 content area in which the individual intends to teach.

18 (2) The school corporation **or nonpublic school** conducts an
 19 expanded criminal history check and expanded child protection
 20 index check concerning the individual as required under
 21 IC 20-26-5-10.

22 (3) The individual has not been convicted of a felony listed in
 23 section 8(c) of this chapter or described in section 8(d) of this
 24 chapter or the individual's conviction has been reversed, vacated,
 25 or set aside on appeal.

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

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

32 (1) the school corporation **or nonpublic school** may enter into
 33 an employment agreement for employment with the individual
 34 as a part-time or full-time teacher of the school corporation **or**
 35 **nonpublic school;**

36 (2) the individual who holds the adjunct permit may teach in any
 37 content area, **including a career and technical education**
 38 **content area**, in which the school corporation **or nonpublic**
 39 **school** allows the individual to teach based on the individual's
 40 experience described in subsection (a);

41 (3) the individual must be assigned a teacher mentor for support
 42 in pedagogy; and

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

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1 enrolled in the school corporation of a vacant adjunct teacher position.
2 (j) The governing body of a school corporation shall announce any
3 vacant adjunct teacher positions at meetings of the governing body.

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

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

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

14 SECTION 6. IC 20-28-6-7.3, AS ADDED BY P.L.168-2022,
15 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2023]: Sec. 7.3. (a) An employment agreement entered into

17 between a school corporation **or nonpublic school** and an individual
18 who holds an adjunct teacher permit issued by the governing body of
19 a school corporation **or the equivalent authority for a nonpublic**
20 **school** under IC 20-28-5-27 must:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

35 **(B) project based and inquiry based learning; and**

36 **(2) implement the courses described in subdivision (1) not**
37 **later than the 2025-2026 school year.**

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

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

41 SECTION 10. IC 20-32-4-1.5, AS AMENDED BY P.L.216-2021,
42 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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- 1 JULY 1, 2023]: Sec. 1.5. (a) This subsection expires July 1, 2022.
 2 Except as provided in subsection (f) and sections 4, 5, 6, 7, 8, 9, and 10
 3 of this chapter, each student is required to meet:
 4 (1) the academic standards tested in the graduation examination;
 5 (2) the Core 40 course and credit requirements adopted by the
 6 state board under IC 20-30-10; and
 7 (3) any additional requirements established by the governing
 8 body;
 9 to be eligible to graduate.
 10 (b) Except as provided in subsection (f) and sections 4, 4.1, 5, 6,
 11 7, 8, 9, and 10 of this chapter, beginning with the class of students who
 12 expect to graduate during the 2022-2023 school year, each student
 13 shall:
 14 (1) demonstrate college or career readiness through a pathway
 15 established by the state board, in consultation with the
 16 department of workforce development and the commission for
 17 higher education;
 18 (2) meet the Core 40 course and credit requirements adopted by
 19 the state board under IC 20-30-10; and
 20 (3) meet any additional requirements established by the
 21 governing body;
 22 to be eligible to graduate.
 23 (c) The state board shall establish graduation pathway
 24 requirements under subsection (b)(1) in consultation with the
 25 department of workforce development and the commission for higher
 26 education. A graduation pathway requirement may include the
 27 following postsecondary readiness competencies approved by the state
 28 board:
 29 (1) International baccalaureate exams.
 30 (2) Nationally recognized college entrance assessments.
 31 (3) Advanced placement exams.
 32 (4) Assessments necessary to receive college credit for dual
 33 credit courses.
 34 (5) Industry recognized certificates.
 35 (6) The Armed Services Vocational Aptitude Battery.
 36 (7) Cambridge International exams.
 37 (8) Any other competency approved by the state board.
 38 (d) If the state board establishes a nationally recognized college
 39 entrance exam as a graduation pathway requirement, the nationally
 40 recognized college entrance exam must be offered to a student at the
 41 school in which the student is enrolled and during the normal school
 42 day.

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1 (e) When an apprenticeship is established as a graduation pathway
 2 requirement, the state board shall establish as an apprenticeship only
 3 an apprenticeship program registered under the federal National
 4 Apprenticeship Act (29 U.S.C. 50 et seq.) or another federal
 5 apprenticeship program administered by the United States Department
 6 of Labor.

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

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

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

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

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

31 (1) standards-based; and

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

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

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

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

40 SECTION 12. IC 20-33-2-13, AS AMENDED BY P.L.242-2017,
 41 SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2023]: Sec. 13. (a) A school corporation shall record or

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1 include the following information in the official high school transcript
2 for a student in high school:

- 3 (1) Attendance records.
- 4 (2) The student's latest statewide assessment program test
- 5 results.
- 6 (3) Any secondary level and postsecondary level certificates of
- 7 achievement earned by the student.
- 8 ~~(4) Immunization information from the immunization record the~~
- 9 ~~student's school keeps under IC 20-34-4-1.~~
- 10 ~~(5) (4) Any dual credit courses taken that are included in the~~
- 11 ~~core transfer library under IC 21-42-5-4.~~

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

15 [SECTION 13. IC 20-34-4-3, AS AMENDED BY HEA 1013-2023,
16 SECTION 191, IS AMENDED TO READ AS FOLLOWS
17 [EFFECTIVE JULY 1, 2023]: Sec. 3. (a) Each school shall notify each
18 parent of a student who enrolls in the school of the requirement that the
19 student must be immunized and that the immunization is required for
20 the student's continued enrollment, attendance, or residence at the
21 school unless:

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

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

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

34 The information must include the following:

- 35 (1) The latest scientific information on the immunization against
- 36 the human papillomavirus (HPV) infection and the
- 37 immunization's effectiveness against causes of cancer.
- 38 (2) That a pap smear is still critical for the detection of
- 39 precancerous changes in the cervix to allow for treatment before
- 40 cervical cancer develops.
- 41 (3) Information concerning the means in which the human
- 42 papillomavirus (HPV) infection is contracted.

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1 (4) A statement that any questions or concerns concerning
2 immunizing the child against human papillomavirus (HPV)
3 could be answered by contacting a health care provider.
4 (d) The Indiana department of health shall provide the department
5 of education with material concerning immunizations and
6 immunization preventable diseases for distribution to parents and
7 guardians. The department of education shall provide these materials
8 to schools to be provided to students' parents and guardians. These
9 materials may be distributed by a school by posting the required
10 information on the school's website.
11 (e) Any notification or materials provided or distributed by the
12 Indiana department of health or a school to a parent of a student
13 regarding required or recommended immunizations for the
14 student must clearly delineate or label immunizations that are
15 required and immunizations that are only recommended.
16] SECTION 1<3>[4]. [EFFECTIVE JULY 1, 2022
17 (RETROACTIVE)] (a) The definitions in IC 20 apply throughout
18 this SECTION.
19 (b) Notwithstanding IC 20-31-8 and 511 IAC 6.2-10, the state
20 board shall assign to a school or school corporation a "null" or "no
21 letter grade" for the 2022-2023 school year. However, the most
22 recent results of the school's ILEARN assessment must be included
23 on the school's website.
24 (c) Notwithstanding IC 20-31-8 and 511 IAC 6.3-1, the state
25 board shall assign an adult high school a "null" or "no letter
26 grade" category for the 2022-2023 school year.
27 (d) This SECTION expires January 1, 2026.
28 SECTION 1<4>[5]. [EFFECTIVE JULY 1, 2024] (a) The
29 definitions in IC 20 apply throughout this SECTION.
30 (b) The department shall develop a proposal for a revised
31 school performance designation utilizing an "A" through "F"
32 grading scale that is based on data contained in the Indiana
33 Graduates Prepared to Succeed (GPS) dashboard described in
34 IC 20-31-8-5.5.
35 (c) Not later than December 1, 2024, the department shall
36 submit the proposal developed under subsection (b) to the general
37 assembly in an electronic format under IC 5-14-6.
38 (d) This SECTION expires July 1, 2024.
39 SECTION 1<5>[6]. An emergency is declared for this act.

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