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HOUSE BILL No. 1635

Proposed Changes to February 14, 2023 printing by AM163518

DIGEST OF PROPOSED AMENDMENT

Education matters. Adds charter schools to the adjunct teacher permit provisions in the bill. Provides that, for purposes of determining a school's or school corporation's graduation rate, not more than one percent of a school's or school corporation's graduation cohort that receives an alternate diploma may be counted as having graduated. Amends the graduation rate formula regarding students who graduate through a waiver process. Provides that the state board of education (state board) shall require a student who elects the Armed Services Vocational Aptitude Battery as a graduation pathway to submit documentation that demonstrates the student's intent to enlist in the military as a condition of meeting the pathway requirements. Requires the state board to, 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. Provides that 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. Removes a provision that provides that the state board shall assign to a school or school corporation (including adult high schools) a "null" or "no letter grade" for the 2022-2023 school year. Makes a technical correction.

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

HB 1635—LS 7285/DI 147



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1 JULY 1, 2023]: Sec. 5. (a) As used in this chapter, "graduation" means
2 the successful completion by a student of:

3 (1) a sufficient number of academic credits, or the equivalent of
4 academic credits; and

5 (2) the graduation examination (before July 1, 2022), a
6 postsecondary readiness competency established by the state
7 board under IC 20-32-4-1.5(c), or a waiver process required
8 under IC 20-32-3 through IC 20-32-5.1;

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

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

14 SECTION 3. IC 20-26-13-10, AS AMENDED BY P.L.32-2021,
15 SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2023]: Sec. 10. (a) Except as provided in section 11 of this
17 chapter [\[and subject to IC 20-32-4-14\]](#), the four (4) year graduation
18 rate for a cohort in a high school is the percentage determined under
19 STEP FIVE of the following formula:

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

23 STEP TWO: Add:

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

25 (B) the number of students who:

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

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

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

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

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

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

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

HB 1635—LS 7285/DI 147



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- (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) ~~iii~~ six percent (6%) of the total number of students determined under clause (A) ~~before July 1, 2027~~ [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, 202~~7~~ [5].**

STEP FIVE: Divide:

- (A) by the number determined under STEP FOUR; by
- (B) the remainder determined under STEP THREE.

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

2 (1) for a:

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

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

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

13 A high school must submit a request to the state board in a manner
14 prescribed by the state board requesting that the students described in
15 this subsection be included in the subsection (a) STEP THREE
16 calculation. The state board shall review the request and may grant or
17 deny the request. The state board shall deny the request unless the high
18 school demonstrates good cause to justify that the students described
19 in this subsection should be included in the subsection (a) STEP
20 THREE calculation. If the state board denies the request the high
21 school may not subtract the students described in this subsection under
22 subsection (a) STEP THREE.

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

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

33 (2) The school corporation **[, [charter school,](#)] or nonpublic**
34 **school** conducts an expanded criminal history check and
35 expanded child protection index check concerning the individual
36 as required under IC 20-26-5-10.

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

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

HB 1635—LS 7285/DI 147



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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

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- 1 in subdivision (1):
- 2 (A) The name of the adjunct teacher.
- 3 (B) The subject matter the adjunct teacher is permitted to
- 4 teach.
- 5 (C) A description of the adjunct teacher's experience
- 6 described in subsection (a)(1).
- 7 (D) The adjunct teacher's total salary and any other
- 8 compensation paid to the adjunct teacher during the school
- 9 year.
- 10 (E) The number of previous adjunct teaching employment
- 11 agreements the adjunct teacher has entered into with the
- 12 school corporation or [charter school or]any other school
- 13 [corporation] or charter school].
- 14 (h) A school corporation [or charter school]shall post a vacant
- 15 adjunct teacher position on the department's online adjunct teacher
- 16 portal established under IC 20-19-3-25.
- 17 (i) A school corporation may notify the parents of students
- 18 enrolled in the school corporation of a vacant adjunct teacher position.
- 19 (j) The governing body of a school corporation shall announce any
- 20 vacant adjunct teacher positions at meetings of the governing body.
- 21 SECTION 5. IC 20-28-6-4, AS AMENDED BY P.L.168-2022,
- 22 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 23 JULY 1, 2023]: Sec. 4. (a) This section does not apply to:
- 24 (1) a teacher employed as a substitute teacher; or
- 25 (2) an individual who holds an adjunct teacher permit issued by
- 26 the governing body of a school corporation **or the equivalent**
- 27 **authority for a [charter school or]nonpublic school** under
- 28 IC 20-28-5-27.
- 29 (b) A teacher employed in a public school must be employed on
- 30 a uniform teacher's contract or a supplemental service teacher's
- 31 contract.
- 32 SECTION 6. IC 20-28-6-7.3, AS ADDED BY P.L.168-2022,
- 33 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 34 JULY 1, 2023]: Sec. 7.3. (a) An employment agreement entered into
- 35 between a school corporation [, charter school,] or nonpublic school
- 36 and an individual who holds an adjunct teacher permit issued by the
- 37 governing body of a school corporation **or the equivalent authority**
- 38 **for a [charter school or] nonpublic school** under IC 20-28-5-27 must:
- 39 (1) be in writing;
- 40 (2) be signed by both parties; and
- 41 (3) contain the following:
- 42 (A) The total salary and any other compensation to be paid

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HB 1635—LS 7285/DI 147



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- 1 to the adjunct teacher during the school year.
 2 (B) The method and frequency of salary payments.
 3 (C) The number of classes the adjunct teacher is to teach.
 4 (D) The classes and subject matter areas that the adjunct
 5 teacher will be teaching.
 6 (E) An expiration date that is not later than the end of the
 7 school year.
 8 (b) An employment agreement under this section is a public record
 9 open to inspection.
 10 (c) An adjunct teacher may enter into employment agreements
 11 with more than one (1) school corporation [charter school] or
 12 **nonpublic school**.
 13 SECTION 7. IC 20-30-10-2, AS AMENDED BY P.L.286-2013,
 14 SECTION 98, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2023]: Sec. 2. (a) **Subject to section 2.7 of this chapter**, the
 16 state board shall adopt the following:
 17 (1) College/technology preparation curriculum models that may
 18 include all or part of the college preparation curriculum models
 19 developed by the department under section 1 of this chapter.
 20 (2) Teacher and staff training to implement the
 21 college/technology preparation curriculum models.
 22 (b) The college/technology preparation curriculum models that the
 23 state board adopts under subsection (a) must meet the conditions listed
 24 in section 3 of this chapter.
 25 SECTION 8. IC 20-30-10-2.5, AS ADDED BY P.L.192-2018,
 26 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2023]: Sec. 2.5. (a) In adopting Core 40 curriculum models
 28 under this chapter, the state board shall consider math course
 29 requirements other than Algebra II. Any math course requirements
 30 adopted for the Core 40 curriculum models must be at a level of
 31 difficulty that aligns with postsecondary preparation.
 32 (b) If a school offers a math course developed under subsection
 33 (a), a parent of a student and the student who intends to enroll in the
 34 course must provide consent to the school to enroll in the course. The
 35 consent form used by the school, which shall be developed by the state
 36 board in collaboration with the commission for higher education, must
 37 notify the parent and the student that enrollment in the course may
 38 affect the student's ability to attend a particular postsecondary
 39 educational institution or enroll in a particular course at a particular
 40 postsecondary educational institution because the course does not align
 41 with academic requirements established by the postsecondary
 42 educational institution.

HB 1635—LS 7285/DI 147



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

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

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

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

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

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

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

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

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

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

18 SECTION 10. IC 20-32-4-1.5, AS AMENDED BY P.L.216-2021,
19 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20 JULY 1, 2023]: **Sec. 1.5. (a) This subsection expires July 1, 2022.**
21 Except as provided in subsection (f) and sections 4, 5, 6, 7, 8, 9, and 10
22 of this chapter, each student is required to meet:

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

28 to be eligible to graduate.

29 (b) Except as provided in subsection (f) and sections 4, 4.1, 5, 6,
30 7, 8, 9, and 10 of this chapter, beginning with the class of students who
31 expect to graduate during the 2022-2023 school year, each student
32 shall:

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

41 to be eligible to graduate.

42 (c) The state board shall establish graduation pathway

HB 1635—LS 7285/DI 147



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

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

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

20 (e) When an apprenticeship is established as a graduation pathway
 21 requirement, the state board shall establish as an apprenticeship only
 22 an apprenticeship program registered under the federal National
 23 Apprenticeship Act (29 U.S.C. 50 et seq.) or another federal
 24 apprenticeship program administered by the United States Department
 25 of Labor.

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

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

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

41 **(i) If the state board establishes an Armed Services Vocational**
 42 **Aptitude Battery as a graduation pathway, the state board shall**

HB 1635—LS 7285/DI 147



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1 require a student who elects the pathway to submit
2 documentation, on a form prescribed by the department, that
3 demonstrates the student's intent to enlist in the military as a
4 condition of meeting the pathway requirements.

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

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

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

19 SECTION 1 ~~<3>~~[3]. IC 20-32-4-14, AS AMENDED BY
20 P.L.113-2021, SECTION 1, IS AMENDED TO READ AS FOLLOWS
21 [EFFECTIVE JULY 1, 2023]: Sec. 14. (a) The state board shall create
22 an alternate diploma for students with significant cognitive disabilities.
23 The diploma must be:

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

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

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

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

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

38 SECTION 1 ~~<4>~~[4]. IC 20-33-2-13, AS AMENDED BY
39 P.L.242-2017, SECTION 46, IS AMENDED TO READ AS
40 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 13. (a) A school
41 corporation shall record or include the following information in the
42 official high school transcript for a student in high school:

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

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

13 SECTION 1 ~~<=>~~ [5]. [EFFECTIVE JULY 1, ~~<2022~~
 14 ~~(RETROACTIVE)>~~ [2024]] (a) The definitions in IC 20 apply
 15 throughout this SECTION.

16 ~~<— (b) Notwithstanding IC 20-31-8 and 511 IAC 6.2-10, the state~~
 17 ~~board shall assign to a school or school corporation a "null" or "no~~
 18 ~~letter grade" for the 2022-2023 school year. However, the most~~
 19 ~~recent results of the school's ILEARN assessment must be included~~
 20 ~~on the school's website:~~

21 ~~— (c) Notwithstanding IC 20-31-8 and 511 IAC 6.3-1, the state~~
 22 ~~board shall assign an adult high school a "null" or "no letter~~
 23 ~~grade" category for the 2022-2023 school year.~~

24 ~~— (d) This SECTION expires January 1, 2026.~~

25 ~~— SECTION 14. [EFFECTIVE JULY 1, 2024] (a) The definitions~~
 26 ~~in IC 20 apply throughout this SECTION:~~

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

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

35 (d) This SECTION expires July 1, 202~~2~~ ~~<=>~~ [5].

36 SECTION 1 ~~<=>~~ [6]. An emergency is declared for this act.

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