HOUSE BILL No. 1093

DIGEST OF INTRODUCED BILL

Citations Affected:  IC 10-21-1; IC 12-17.2-3.8; IC 20-19-3-15; IC 20-24-2.1; IC 20-26-18.2; IC 20-28-5-18; IC 20-30-2-4; IC 20-32-5.1-12; IC 20-40-2.

Synopsis: Education matters. Amends the membership and duties of the early learning advisory committee. Makes changes to the definition of "school resource officer". Provides that, after June 30, 2023, if a school corporation or charter school enters into a contract for a school resource officer, the school corporation or charter school must enter into a memorandum of understanding with the law enforcement agency that employs or appointed the individual who will perform the duties of a school resource officer. Provides that certain parties are prohibited from incentivizing the enrollment, reenrollment, or continued attendance of a student or prospective student by offering or giving an item that has monetary value. Requires the Indiana charter school board (board) to appoint an executive director to carry out the duties and daily operations of the board. Establishes the executive director's duties. Provides that the board shall establish certain processes. Establishes the Indiana charter school board fund and provides that money in the fund is appropriated continuously for purposes of the board. Provides that the department of education (department) may grant an accomplished practitioner's license under certain conditions. Provides that the instructional days tuition support distribution formula account for certain schools within a school corporation. Authorizes the department to study and, if recommended, use machine scoring. Changes the department's review period for certain funds. Repeals a provision concerning staffing of the board. Provides that the state board of education shall assign to a school or school corporation (including adult high schools) a "null" or "no letter grade" for the 2021-2022 school year.

Effective: July 1, 2021 (retroactive); April 1, 2022; July 1, 2022.

Behning

January 4, 2022, read first time and referred to Committee on Education.
HOUSE BILL No. 1093

A BILL FOR AN ACT to amend the Indiana Code concerning education and to make an appropriation.

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


Sec. 2. (a) The Indiana secured school fund is established to provide:

(1) matching grants to enable school corporations, and charter schools, and accredited nonpublic schools to establish programs under which a school corporation, or charter school, or accredited nonpublic school (or a coalition of schools) may:

(\(\text{\#}\)) (A) employ a school resource officer, employ a law enforcement officer, or enter into a contract or a memorandum of understanding with a:

(\(\text{\#}\)) (i) local law enforcement agency;

(\(\text{\#}\)) (ii) private entity; or

(\(\text{\#}\)) (iii) nonprofit corporation;

to employ a school resource officer or a law enforcement officer.
officer;

(2) (B) conduct a threat assessment of the buildings within a school corporation or the buildings that are operated by a charter school or accredited nonpublic school; or

(2) (C) purchase equipment and technology to:

(1) restrict access to school property; or

(ii) expedite notification of first responders; or

(4) (D) implement a student and parent support services plan as described in section 4(a)(5) of this chapter; and

(2) one (1) time grants to enable school corporations, charter schools, and accredited nonpublic schools with the sheriff for the county in which the school corporation, charter school, or accredited nonpublic school is located, to provide the initial set up costs for an active event warning system.

(b) A school corporation or charter school may use money received under a matching grant for a purpose listed in subsection (a) to provide a response to a threat in a manner that the school corporation or charter school sees fit, including firearms training or other self-defense training.

(c) The fund shall be administered by the department of homeland security.

(d) The fund consists of:

(1) appropriations from the general assembly;

(2) grants from the Indiana safe schools fund established by IC 5-2-10.1-2;

(3) federal grants; and

(4) amounts deposited from any other public or private source.

(e) The expenses of administering the fund shall be paid from money in the fund.

(f) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund.

(g) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

SECTION 2. IC 10-21-1-4, AS AMENDED BY P.L.197-2019, SECTION 5, AND AS AMENDED BY P.L.50-2019, SECTION 4, AND AS AMENDED BY P.L.153-2019, SECTION 2, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 4. (a) The board may award a matching grant to enable a school corporation, charter school, or accredited nonpublic school (or a coalition of schools applying jointly)
to:

(l) establish a program to employ a school resource officer;

(2) employ a law enforcement officer;

(3) provide school resource officer training described in IC 20-26-18.2-1(b)(2); IC 20-26-18.2-1(c);

(4) conduct a threat assessment; or

(5) purchase equipment to restrict access to the school or expedite the notification of first responders; in accordance with section 2(a) of this chapter; or

(6) implement a student and parent support services plan in the manner set forth in IC 20-34-9;

in accordance with section 2(a) of this chapter.

(b) A matching grant awarded to a school corporation, charter school, or accredited nonpublic school (or a coalition of schools applying jointly) may not exceed the lesser of the following during a two (2) year period beginning on or after May 1, 2013:

(1) The total cost of the program established by the school corporation, charter school, or accredited nonpublic school (or the coalition of schools applying jointly).

(2) Except as provided in subsection (d), the following amounts:

(A) Fifty thousand dollars ($50,000) per year, in the case of a school corporation, charter school, or accredited nonpublic school that:

(i) has an ADM of at least one thousand (1,000); and

(ii) is not applying jointly with any other school corporation, charter school, or accredited nonpublic school:

(B) Thirty-five thousand dollars ($35,000) per year, in the case of a school corporation, charter school, or accredited nonpublic school that:

(i) has an ADM of less than one thousand (1,000); and

(ii) is not applying jointly with any other school corporation, charter school, or accredited nonpublic school:

(C) Fifty thousand dollars ($50,000) per year, in the case of a coalition of schools applying jointly:

(A) Thirty-five thousand dollars ($35,000) per year, in the case of a school corporation, charter school, or accredited nonpublic school that:

(i) has an ADM of at least one (1) and less than one thousand (1,001) students; and

(ii) is not applying jointly with any other school
corporation, charter school, or accredited nonpublic school.

(B) Fifty thousand dollars ($50,000) per year, in the case of a school corporation, charter school, or accredited nonpublic school that:

(i) has an ADM of more than one thousand (1,000) and less than five thousand one (5,001) students; and

(ii) is not applying jointly with any other school corporation, charter school, or accredited nonpublic school.

(C) Seventy-five thousand dollars ($75,000) per year, in the case of a school corporation, charter school, or accredited nonpublic school that:

(i) has an ADM of more than five thousand (5,000) and less than fifteen thousand one (15,001) students; and

(ii) is not applying jointly with any other school corporation, charter school, or accredited nonpublic school.

(D) One hundred thousand dollars ($100,000) per year, in the case of a school corporation, charter school, or accredited nonpublic school that:

(i) has an ADM of more than fifteen thousand (15,000); and

(ii) is not applying jointly with any other school corporation, charter school, or accredited nonpublic school.

(E) One hundred thousand dollars ($100,000) per year, in the case of a coalition of schools applying jointly.

(c) Except as provided in subsection (d), the match requirement for a grant under this chapter is based on the ADM, as follows:

(1) For a school corporation, charter school, or accredited nonpublic school with an ADM of less than five hundred one (501) students, the grant match must be twenty-five percent (25%) of the grant amount described in subsection (b).

(2) For a school corporation, charter school, or accredited nonpublic school with an ADM of more than five hundred (500) and less than one thousand one (1,001) students, the grant match must be fifty percent (50%) of the grant amount described in subsection (b).

(3) For a school corporation, charter school, or accredited nonpublic school with an ADM of more than one thousand (1,000) students or a coalition of schools applying jointly, the grant match must be one hundred percent (100%) of the grant amount described in subsection (b).
amount described in subsection (b).

(d) A school corporation, charter school, or accredited nonpublic school may be eligible to receive a grant of up to:

1. one hundred thousand dollars ($100,000) if:
   (A) the school corporation, charter school, or accredited nonpublic school receives a grant match of one hundred percent (100%) of the requested grant amount; and
   (B) the board approves the grant request; or

2. for a school corporation, charter school, or accredited nonpublic school described subsection (c)(1) or (c)(2), a grant of up to fifty thousand dollars ($50,000) if:
   (A) the school corporation, charter school, or accredited nonpublic school receives a grant match of fifty percent (50%) of the requested grant amount; and
   (B) the board approves the grant request.

(e) A school corporation, charter school, or accredited nonpublic school may receive only one (1) matching grant under this section each year.

(f) The board may not award a grant to a school corporation, charter school, or accredited nonpublic school under this chapter unless the school corporation, charter school, or accredited nonpublic school is in a county that has a county school safety commission, as described in IC 5-2-10.1-10.

SECTION 3. IC 12-17.2-3.8-5, AS ADDED BY P.L.2-2014, SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 5. (a) The early learning advisory committee is established to do the following:

1. Establish child developmental and educational goals for Indiana's early learning system, including the development of standards and objectives for early education programs that receive state or federal funds.
2. Design and maintain an approach to measuring progress toward the goals established under subdivision (1) that include objective measures of academic quality.
3. Assess the attainment of the goals established under subdivision (1) and evaluate the efficacy of state and federal spending on Indiana's early learning system.
4. Assess whether the requirements for early education program licensure:
   (A) create an equitable standard for health and safety across all early education program types;
   (B) reinforce the goals established under subdivision (1);
and
(C) support the sustainability of Indiana's early learning system.

(1) Conduct periodic statewide needs assessments concerning the quality and availability of early education programs for children from birth to the age of school entry, including the availability of high quality prekindergarten education for low income children in Indiana.

(2) Identify opportunities for, and barriers to, collaboration and coordination among federally and state funded child development, child care, and early childhood education programs and services, including governmental agencies that administer the programs and services.

(7) Design early education workforce strategies, including recommendations on how to advance professional development.

(5) Assess the capacity and effectiveness of two (2) and four year public and private higher education institutions in Indiana for the pathways to support of development training and recruitment of early educators, including:
(A) professional development and career advancement plans; and
(B) practice or internships with Head Start or prekindergarten programs.

(4) Other duties as determined necessary by the chairperson of the committee.

(9) Not later than June 30 of each year, develop and make recommendations to the governor and, in an electronic format under IC 5-14-6, to the legislative council concerning the results of the committee's work under subdivisions (1) through (4).

(b) The committee consists of six (6) the following eleven (11) members: appointed by the governor as follows:
(1) A representative of the department The secretary of education or the secretary's designee.
(2) A representative of the division.
(2) The secretary of family and social services or the secretary's designee.
(3) Seven (7) members appointed by the governor as follows:
(A) A representative of an organization with an interest in training the early childhood education workforce.
(B) A representative of a Head Start program under 42
U.S.C. 9831 et seq.

(4) (C) A representative of a family advocacy group that
member of the general public who has an interest in early
childhood education.

(5) (D) A representative of an early childhood education
provider.

(E) A representative from a school corporation who has an
interest in strengthening the transition from early
childhood education to elementary education.

(6) (F) A representative of business with an interest in early
childhood education.

(G) A representative of the nonprofit or philanthropic
community with an interest in early childhood education.

(4) One (1) member who:
(A) is appointed by the speaker of the house of
representatives;
(B) is not a member of the general assembly; and
(C) shall serve as a nonvoting member.

(5) One (1) member who:
(A) is appointed by the president pro tempore of the
senate;
(B) is not a member of the general assembly; and
(C) shall serve as a nonvoting member.

(c) Subject to section 5.1 of this chapter, members appointed
under subsection (b)(3) through (b)(5) serve for three (3) year
terms. The members of the committee serve at the pleasure of the
appointing authority.

(d) The governor shall appoint the a member of the committee
to serve as chairperson of the committee. The committee shall meet
at least six (6) times each calendar year at the call of the
chairperson.

(e) The division shall, in consultation with the department of
education, staff the committee.

(f) The expenses of the committee shall be paid from the funds
of the division.

(g) Each member of the committee who is not a state employee
is entitled to the minimum salary per diem provided by
IC 4-10-11-2.1(b). The member is also entitled to reimbursement for
traveling expenses as provided under IC 4-13-1-4 and other expenses
actually incurred in connection with the member's duties as provided
in the state policies and procedures established by the Indiana
department of administration and approved by the budget agency.
(g) Each member of the committee who is a state employee but who is not a member of the general assembly is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(h) Each member of the committee who is a member of the general assembly is entitled to receive the same per diem, mileage, and travel allowances paid to legislative members of interim study committees established by the legislative council. Per diem, mileage, and travel allowances paid under this section shall be paid from appropriations made to the legislative council or the legislative services agency.

(i) The affirmative votes of a majority of the voting members appointed to the committee are required for the committee to take action on any measure, including final reports.

SECTION 4. IC 12-17.2-3.8-5.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 5.1. (a) As used in this section, "committee" refers to the early learning advisory committee established by section 5 of this chapter.

(b) The term of a member who was appointed to the committee before April 1, 2022, expires on April 1, 2022.

(c) Not later than June 30, 2022, the applicable appointing authorities shall appoint members to the committee in accordance with section 5 of this chapter.

(d) The initial appointment shall begin not later than July 1, 2022.

(e) This section expires January 1, 2026.

SECTION 5. IC 20-19-3-15, AS ADDED BY P.L.223-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 15. (a) This section does not apply to a school promotional item that has minimal monetary value.

(b) As used in this section, "participating entity" has the meaning set forth in IC 20-51.4-2-6.

(c) As used in this section, "school" means any of the following:

(1) A school corporation.

(2) A charter school, including a conversion charter school or a virtual charter school.

(3) A nonpublic school that has any students enrolled who receive a choice scholarship under IC 20-51-4.
(c) (d) A school, a participating entity, an employee of a school or a participating entity, or a member or representative of an association affiliated with a school employee organization (as defined in IC 20-29-2-14) may not offer or give, as an enrollment incentive to enroll, reenroll, or continue attending a school, any item that has monetary value, including cash or a gift card, that may be used at a retail store; grocery store; online store; or other commercial enterprise; to:

1. a student or prospective student (or the parent of a student or prospective student) in exchange for enrolling, reenrolling, or incentivizing continued attendance of the student or prospective student at the school; or
2. any person in exchange for referring a prospective student to the school.

SECTION 6. IC 20-24-2.1-2, AS AMENDED BY P.L.250-2017, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 2. The charter board shall establish a process to:

1. review a proposal to establish a charter school under IC 20-24-3-4;
2. make a decision on the proposal as required under IC 20-24-3-9;
3. monitor charter schools authorized by the charter board; and
4. make decisions on the renewal, nonrenewal, and revocation of charters granted by the charter board.

SECTION 7. IC 20-24-2.1-3 IS REPEALED [EFFECTIVE JULY 1, 2022]. Sec. 3. The department shall provide staff to carry out the duties of the charter board under this chapter until the time when the charter board begins receiving administrative fees pursuant to IC 20-24-7-4(e). At that time, the charter board may hire staff to carry out the duties of the charter board under this chapter.

SECTION 8. IC 20-24-2.1-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 3.5. (a) The charter board shall appoint an executive director to carry out the duties and daily operations of the charter board. The executive director may be removed by the charter board for just cause.

(b) The executive director’s duties include the following:

1. To carry out the duties and responsibilities of the charter board under this chapter.
2. To hire staff as necessary to ensure efficient and effective operation of the charter board.
3. To pay the reasonable and necessary traveling and other
expenses of an employee, a member, or an agent of the charter board.

(4) To request from any public agency the assistance, services, and data that will enable the charter board to properly carry out the charter board's functions and powers.

(c) The executive director has financial and signatory powers necessary to ensure efficient and effective charter board operations. In addition, the charter board may authorize the executive director to carry out any or all of the charter board's powers under section 2 of this chapter unless otherwise prohibited by law.

SECTION 9. IC 20-24-2.1-4, AS ADDED BY P.L.91-2011, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 4. (a) Funding for the charter board consists of administrative fees collected under IC 20-24-7-4.

(b) The Indiana charter school board fund is established for the purpose of funding the charter board.

(c) The fund consists of administrative fees collected under IC 20-24-7-4.

(d) The charter board shall administer the fund.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund but remains available to be used for the purposes of this chapter.

(f) Money in the fund is appropriated continuously for the purposes of this chapter.

SECTION 10. IC 20-26-18.2-1, AS AMENDED BY P.L.30-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 1. (a) As used in this chapter, "school resource officer" means an individual who:

(1) has completed the training described in subsection (b);

(2) is assigned to one (1) or more school corporations or charter schools during school hours to:

(A) assist the school safety specialist with the development and implementation of the school safety plan as provided in section 2 of this chapter; and

(B) carry out any additional responsibilities assigned to the school resource officer under the employment engagement, contract, or memorandum of understanding and to provide law enforcement services to:

(i) protect against outside threats to the physical safety of students;

(ii) prevent unauthorized access to school property; and
(iii) secure schools against violence and natural disasters;
and

(3) is:
  (A) employed by a law enforcement agency;
  (B) appointed as a police reserve officer (as described in IC 36-8-3-20) or as a special deputy (as described in IC 36-8-10-10.6) if the police reserve officer or special deputy:
  (i) is subject to the direction of the sheriff or appointing law enforcement agency;
  (ii) is required to obey the rules and orders of the sheriff's department or appointing law enforcement agency;
  (iii) is required to complete all training required of regular full-time law enforcement officers employed by the sheriff's department or appointing law enforcement agency; and
  (iv) may be removed by the sheriff or appointing law enforcement agency at any time, with or without cause; or
  (C) a school corporation police officer appointed under IC 20-26-16-3.

(b) Before being appointed as a school resource officer, an individual must have

(1) successfully completed the minimum training requirements established for law enforcement officers under IC 5-2-1-9. and
(2) received

(c) The individual appointed as a school resource officer must receive at least forty (40) hours of school resource officer training through:

(1) the Indiana law enforcement training board established by IC 5-2-1-3;
(2) the National Association of School Resource Officers; or
(3) another school resource officer training program approved by the Indiana law enforcement training board;

within one hundred eighty (180) days from the date the individual is initially assigned the duties of a school resource officer. However, if the current ADM of a school corporation is less than one thousand (1,000) students, the individual shall complete the school resource officer training within three hundred sixty-five (365) days of the date the individual is initially assigned the duties of a school resource officer.

(d) Training described in subsection (b)(2) (c) must include instruction regarding skills, tactics, and strategies necessary to address the special nature of:

(1) school campuses; and
(2) school building security needs and characteristics.

SECTION 11. IC 20-26-18.2-2, AS AMENDED BY P.L.272-2019,
SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 2. (a) A school resource officer may be employed:
(1) by one (1) or more school corporations or charter schools through a contract between a local law enforcement agency and the school corporation or school corporations or the charter school or charter schools;
(2) by one (1) or more school corporations or charter schools;
(3) by a local law enforcement agency that assigns the school resource officer to one (1) or more school corporations or charter schools through a memorandum of understanding between the local law enforcement agency and the school corporation or school corporations or the charter school or charter schools; or
(4) through a contract between an Indiana business that employs persons who meet the qualifications of a school resource officer and the school corporation or school corporations or the charter school or charter schools.

(b) After June 30, 2023, if a school corporation or charter school enters into a contract for a school resource officer, the school corporation or charter school must enter into a memorandum of understanding with the law enforcement agency that employs or appointed the individual who will perform the duties of a school resource officer. The memorandum of understanding entered into under subsection (a) must state the nature and scope of a school resource officer's duties and responsibilities. A school resource officer's duties and responsibilities include the duty to assist the school corporation's school safety specialist with the development and implementation of a school safety plan that does the following:

(1) Protects against outside threats to the physical safety of students.
(2) Prevents unauthorized access to school property.
(3) Secures schools against violence and natural disasters.
(4) On or before July 1, 2020, identifies the location of bleeding control kits (as defined in IC 20-34-3-24(a)).

(c) A school resource officer shall consult with local law enforcement officials and first responders when assisting the school corporation's school safety specialist in the development of the school safety plan.

(d) A school resource officer shall participate in the development of programs designed to identify, assess, and provide assistance to...
troubled youth.

(c) A school resource officer may not be reassigned to other duties by the school corporation.

SECTION 12. IC 20-28-5-18, AS AMENDED BY P.L.92-2020, SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 18. (a) This section applies to an individual who:

(1) holds a valid teaching license issued by another state (excluding a teaching license equivalent to an Indiana temporary or emergency teaching license) in the same content area or areas for which the individual is applying for a license in Indiana; and

(2) was required to pass a content licensure test to obtain the license described in subdivision (1).

(b) Notwithstanding sections 3 and 12 of this chapter, the department shall grant one (1) of the following licenses to an individual described in subsection (a):

(1) If the individual has less than three (3) years of full-time teaching experience, an initial practitioner's license.

(2) If the individual has at least three (3) years of full-time teaching experience, a practitioner's license.

(3) If the individual has a master's degree from a regionally accredited institution and at least two (2) years of full-time teaching experience, an accomplished practitioner's license.

(c) An individual who is granted a license under this section shall comply with the training or certification requirements prescribed by the state board under IC 20-28-5.5-1(b).

SECTION 13. IC 20-30-2-4, AS ADDED BY P.L.1-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 4. (a) Subject to subsection (b), if a school corporation fails to conduct the minimum number of student instructional days during a school year as required under section 3 of this chapter, the department shall reduce the August tuition support distribution to that school corporation for a school year by an amount determined as follows:

STEP ONE: Determine the remainder of:

(A) the amount of the total tuition support allocated to the school corporation for the particular school year; minus

(B) that part of the total tuition support allocated to the school corporation for that school year with respect to student instructional days one hundred seventy-six (176) through one hundred eighty (180).

STEP TWO: Subtract the number of student instructional days that the school corporation conducted from one hundred eighty
STEP THREE: Determine the lesser of five (5) or the remainder determined under STEP TWO.

STEP FOUR: Divide the amount subtracted under STEP ONE (B) by five (5).

STEP FIVE: Multiply the quotient determined under STEP FOUR by the number determined under STEP THREE.

STEP SIX: Subtract the number determined under STEP THREE from the remainder determined under STEP TWO.

STEP SEVEN: Divide the remainder determined under STEP ONE by one hundred seventy-five (175).

STEP EIGHT: Multiply the quotient determined under STEP SEVEN by the remainder determined under STEP SIX.

STEP NINE: Add the product determined under STEP FIVE to the product determined under STEP EIGHT.

(b) If fewer than all of the schools in a school corporation fail to conduct the minimum number of student instructional days during a school year as required under section 3 of this chapter, the reduction in August tuition support required by this section shall take into account only the schools in the school corporation that failed to conduct the minimum number of student instructional days and only the grades for which the required number of student instructional days was not conducted.

SECTION 14. IC 20-32-5.1-12, AS ADDED BY P.L.242-2017, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 12. (a) The department shall establish policies and procedures that foster, to the extent possible, the scoring of student responses of an open ended writing assessment on a statewide assessment by Indiana teachers. The teacher may not grade student responses of students who are enrolled in the same school corporation, charter school, state accredited nonpublic school, or eligible school (as defined in IC 20-51-1-4.7) in which the teacher is currently employed.

(b) The scoring of student responses under a statewide assessment:

   (1) must adhere to scoring rubrics and anchor papers;

   (2) must measure student achievement relative to the academic standards established by the state board; and

   (3) may not reflect the scorer's judgment of the values expressed by a student in the student's responses.

(c) The department, in consultation with the technical advisory committee established by the state board, shall conduct a study to analyze and determine the reliability of machine scoring student responses to items on the statewide assessment. After conducting
the study, the department may, if recommended by the technical
advisory committee, utilize machine scoring for purposes of
scoring student responses to items on the statewide assessment.

SECTION 15. IC 20-40-2-6, AS AMENDED BY P.L.161-2019,
SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
JULY 1, 2022]: Sec. 6. (a) Each school corporation shall make every
reasonable effort to transfer not more than fifteen percent (15%) of the
total revenue deposited in the school corporation's education fund from
the school corporation's education fund to the school corporation's
operations fund during a calendar year.

(b) Only after the transfer is authorized by the governing body in a
public meeting with public notice, money in the education fund may be
transferred to the operations fund to cover expenditures that are not
allocated to student instruction and learning under IC 20-42.5. The
amount transferred from the education fund to the operations fund shall
be reported by the school corporation to the department. The transfers
made during the:

(1) first six (6) months of each state fiscal year shall be reported
before January 31 of the following year; and
(2) last six (6) months of each state fiscal year shall be reported
before July 31 of that year.

(c) The report must include information as required by the
department and in the form required by the department.

(d) The department must post the report submitted under subsection
(b) on the department's Internet web site.

(e) Beginning in 2020, the department shall track for each school
corporation transfers from the school corporation's education fund to
its operations fund for the preceding six (6) month period. Beginning
in 2021, before February March 1 of each year, the department shall
compile an excessive education fund transfer list comprised of all
school corporations that transferred more than fifteen percent (15%) of
the total revenue deposited in the school corporation's education fund
from the school corporation's education fund to the school corporation's
operations fund during the immediately preceding calendar year. A
school corporation that is not included on the excessive education fund
transfer list is considered to have met the education fund transfer target
percentage for the immediately preceding calendar year.

SECTION 16. IC 20-40-2-9, AS ADDED BY P.L.161-2019,
SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
JULY 1, 2022]: Sec. 9. (a) For each school corporation included on the
excessive education fund transfer list required under section 6 of this
chapter, the department shall, not later than March April 1 of each

2022 IN 1093—LS 6958/DI 110
year, submit in both a written and an electronic format a notice to the
school corporation's superintendent, school business officer, and
governing body that the school corporation did not meet its education
fund transfer target percentage for the previous calendar year.
(b) If a school corporation's governing body receives a notice from
the department under subsection (a), the school corporation shall do all
of the following:
(1) Publicly acknowledge receipt of the excessive education fund
transfer list notice from the department at the governing body's
next public meeting.
(2) Enter into the governing body's official minutes for that
meeting acknowledgment of the notice.
(3) Publish on the school corporation's Internet web site the
department's notice and any relevant individual reports prepared
by the department within thirty (30) days after the public meeting.
SECTION 17. [EFFECTIVE JULY 1, 2021 (RETROACTIVE)] (a)
The definitions in IC 20 apply throughout this SECTION.
(b) Notwithstanding IC 20-31-8 and 511 IAC 6.2-10, the state
board shall assign to a school or school corporation a "null" or "no letter grade" for the 2021-2022 school year. However, the most recent results of the school's ILEARN assessment must be included on the school's Internet web site.
(c) Notwithstanding IC 20-31-8 and 511 IAC 6.3-1, the state
board shall assign an adult high school a "null" or "no letter grade" category for the 2021-2022 school year.
(d) This SECTION expires January 1, 2025.
SECTION 18. An emergency is declared for this act.