



Dear ISBA Members,

*Here is your Week #10 End-of-Session ISBA Legislative Update...The second regular session of the 121<sup>st</sup> Indiana General Assembly adjourned sine die late on Wednesday evening. It will take more time to analyze the hundreds of pages of new laws to ensure we are advising you accurately and thoroughly on implementation requirements and effective dates of these laws. ISBA will determine the need for further legislative advisories in the coming days and weeks, but for now here is a summary on the key takeaways of the session.*

### **2020 Session Scorecard**

ISBA began tracking 163 of the 903 bills introduced at the start of the short session. The 163 bills had impact on K-12 education policy, school governance, school funding, or child-related matters. At the conclusion of the session a total of 168 bills made it through the bill process and are eligible for the governor's signature into law. Of the 168 enrolled acts passed, 33 are bills that ISBA tracked this session. This means that 20% percent of all new laws impact K-12 public education. If you are keeping score, that brings the total of new K-12 education laws in just the last three sessions to 108 laws.

You can access the final ISBA Tracking List [HERE](#) for a digest of each of the 33 enrolled acts eligible for Governor Holcomb's signature.

### **Key Takeaways**

Let's start with the good news on the bills that passed supported by ISBA. I would say that there are three bills that stand above the other 30 as the most significant and positive for K-12 public education: Senate Enrolled Act 2, House Enrolled Act 1002, and House Enrolled Act 1003.

[SEA 2](#), **School Accountability**, was signed into law by Governor Holcomb on February 12, 2020. This was the "hold harmless" bill concerning use of 2019 and 2020 ILEARN scores for state A-F accountability grades for schools and school corporations. The better of scores from the 2018 ISTEP+ test, or the 2019 (and then the 2020) ILEARN test, will be used to compute the letter grades. This bill will provide teachers more time to align their instruction and curriculum to the state proficiency standards measured on the test and students a more reasonable "opportunity to learn" the skills and knowledge they need to succeed on the test. **We thank Senator Raatz and Representative Devon for carrying this bill through the Senate and House respectively.**

FYI, as a result of this new law, the Indiana State Board of Education issued the preliminary 2018-19 A-F school accountability grades on March 4, 2020. School corporations have a window of time until March 27<sup>th</sup> to appeal these grades if a calculation error is believed to be identified. After that window closes, the final and official accountability grades will be released. The new issue emerging now concerns whether the 2020 ILEARN assessments will be given at all due to the rash of school cancellations prompted by the coronavirus. IDOE submitted a request this week to the U.S. Department of Education to waive ESSA testing requirements for this spring. Stay tuned for more information on this matter.

[HEA 1002](#), **Teacher Evaluations**, eliminates a statutory requirement that state summative assessment (ILEARN) scores must be used for teacher evaluations

and allows local governing bodies to decide whether these scores should be used in this manner. **We thank Representative Tony Cook for authoring the bill and Representatives McNamara, Bartels, and V. Smith for coauthoring the bill and helping champion this important legislation that will help restore teacher morale and respect to the teaching profession.**

[HEA 1003](#), **Education Matters**, also referred to as the “Schools Freedom Act” by the bill author, includes provisions that would (1) allow a school or a group of schools to submit a plan approved by the governing body to the State Board of Education requesting waivers of certain statutes and regulations; (2) require the State Board of Education to determine teacher training requirements, including whether the training should be required for purposes of obtaining or renewing a license or as part of the completion requirements for a teacher preparation program; (3) establish new requirements to accredit a public or private school in Indiana, and (4) allow school corporations to publish in a newspaper a summary of its annual performance report along with a link to the full report posted on the Internet. **We thank Representative Jack Jordan for authoring this bill and Representatives Thompson, Cook, and Delaney, his co-authors for their support in passing the bill.**

### **Key Bills that Died**

There is also good news in that several bills opposed by ISBA at various points of the session died in the bill process, including SB223, SB 425, HB 1222, and the expansion of Choice Scholarship vouchers most recently included HB 1066.

**SB 223** was legislation authored by Senator Jean Leising, and championed by the Indiana Chamber of Commerce and the Indiana Commission for Higher Education, pertaining to FAFSA Requirements. The bill proposed to require all seniors to complete the Free Application for Financial Student Aid (FAFSA) application unless a parent signed a waiver or the principal waived the requirement due to extenuating circumstances. ISBA and IASP testified against the bill, noting the administrative burden on school officials of tracking down parent signatures on waiver forms and of determining whether there are

extenuating circumstances that allow the principal to waive the requirement. We thank members of the House Education Committee that aligned with the ISBA and IASP position to oppose this bill to ensure the bill was not voted out of committee.

**SB 425, Disannexation** (authored by Senator Mike Bohacek). This bill would have enabled the elected officials of Greene Township, St. Joseph County, to initiate a plan to disannex from the South Bend Community School Corporation and annex to another existing school corporation. Any disannexation occurring pursuant to the proposed pilot program process would have remained in effect at the expiration of the two-year program. We were concerned with the precedent this bill would have established that a small group of residents could impact an entire school community, with the relinquishing school corporation having no say in the matter whatsoever. While the bill author came to the table to agree to amendments requested by ISBA when this bill moved to the House of Representatives, it required additional amendment work and there was not enough support to keep the bill moving through the process. We thank Senator Bohacek for engaging in meaningful discussion on the bill and his willingness to work with ISBA to amend it. This proposal is likely to return next session.

**HB 1222, Miscellaneous Election Law Matters** (authored by Representative Tim Wesco). This bill, as amended by the Senate Elections and Apportionment Committee, proposed restrictions to when local public questions, i.e., referendums, could be offered by school corporations to just general elections every two years. **We thank Senators Alting, Walker, and Messmer for working with a coalition of K-12 education associations to restore primary and municipal elections as options for referenda for school corporations in the version of the bill passed by the Senate.** This bill ultimately died in conference committee due to disagreement between House and Senate members on various provisions of the bill. Thus, for now, school corporations retain full flexibility of when to hold a referendum. Please continue to talk to your area legislators on why this flexibility is necessary to maintain to enable us

to address the unique needs of school corporations in serving our students.

**HB 1066, Various Education Matters** (authored by Rep. Jeff Thompson) is a bill that did pass this session; however, the provisions of the bill pertaining to the expansion of eligibility requirements for the Choice Scholarship program were removed by the Senate Appropriations Committee and kept out of the bill in conference committee. Voucher advocates attempted to expand program eligibility to include foster children and siblings of current voucher students, whose family has income not to exceed 200% of income eligibility for the National School Lunch Program. **We thank Senator Ryan Mishler for removing these provisions from HB 1066.**

### **Win Some/Lose Some**

Simply put, no organization bats 100% in the legislative process. I am disappointed to report that one bill did pass this session with a few egregious sections adamantly opposed by the K-12 public education associations. [HEA 1065, Various Tax Matters](#) (Rep. Thompson) is that bill. This bill had not been a high-priority bill on the ISBA Bill Tracking List until the next to last week of the session due to an amendment to the bill adopted by the Senate Tax and Fiscal Policy Committee. If you will recall, that amendment modifies Public Law 235-2019 to expand the type of housing that qualifies for the residential housing development TIF program beyond single-family homes with the inclusion of condominiums and townhomes. The bill also includes these types of housing in an economic development target area (defined by IC 6-1.1-12.1-7). Both provisions may greatly expand the incremental AV captured by TIFs and erode the AV available to school corporations for levy dollars. The good news in this regard is that school boards have authority to approve these residential housing development programs before they are approved by the city or county council.

If that language were not bad enough the second reading amendment on Monday, March 3, included more bad public policy to enable the diversion of referendum funds to charter schools and away from school corporations, and in turn diminishing your ability to serve the unique needs of students, pay

teachers, and upgrade school facilities to serve the more than 1 million students in our K-12 traditional public school system.

ISBA joined with IAPSS, IASBO, IUSA, ISRSA, and ISTA to unsuccessfully oppose this legislation. The conference committee report passed in the Senate by a 31-18 vote ([Senate Roll Call](#)) and 52-40 in the House ([House Roll Call](#)) on Wednesday. As of yesterday, these organizations were joined by the Coalition of Growing and Suburban Schools and AFT Indiana to submit this [LETTER](#) to Governor Holcomb to ask him to veto this legislation.

I could go on with much more information in this summary; however, I will stop here. There are four voluminous bills that will be discussed in more detail in a subsequent update that I hope to send you next week. These four bills include HB 1066, HB 1113, SB 295, and SB 398.

In closing, I want to thank each and every school board member and administrator who responded to a call-to-action by calling, emailing, or writing your area legislators in support or opposition to any of the 163 bills we tracked this session. Your engagement in the grassroots advocacy process was impactful and helped us achieve many of the outcomes described in this update. We have much more work ahead of us to defend the pillar of American democracy. For now, please thank the legislators that have been identified for their support of ISBA's positions on the various measures. Much appreciated!