



**Dear ISBA Members:**

Here is your ***Week #17 End-of-Session ISBA Legislative Update***...This update will provide you with a **session scorecard report** to itemize the components of the 2021 ISBA Legislative Priorities that were accomplished and those that were not. In addition, as mentioned in the prior weekly update, ISBA will provide detailed guidance on specific laws that directly impact school board governance matters in the weeks ahead. In fact, anticipate a memorandum next week from Lisa Tanselle, General Counsel, explaining the electronic meetings and signatures bill (HEA 1437) and its changes to the Open Door Law. Note, this weekly report will not summarize all new laws that are related to K-12 education policy, school corporation governance, school funding, or child-related matters. However, you can access summaries of all these laws via the final ISBA Bill Tracking List [HERE](#).

### **2021 Session Scorecard**

ISBA began tracking 179 of the 1,025 total bills introduced at the start of

session and then 61 bills in the second half of the bill process. The final count of K-12 education bills on the list that will become law is 41. Overall, there were 219 new laws enacted by the Indiana General Assembly. Thus, 19% of the new laws are relevant to public education. If you are keeping score, that brings the total of new K-12 education laws in the past four sessions to 148. If interested in knowing the public law number of any bill that became law, you can access this information [HERE](#).

### **Summary of HEA 1001, the State Budget**

The big news to conclude the session was unquestionably the passage of HEA 1001, the 2021-2023 state budget, which was developed using an updated state revenue forecast for Fiscal Years 2021 through 2023 received by the State Budget Committee on April 15. The updated revenue forecast projected that the state will have nearly \$2 billion more in revenue available over the next two years than was projected in December. The final budget includes about \$800 million over the next two years for traditional public schools with a tuition support increase of approximately 3.5 percent each year—far surpassing all expectations that we’ve had for the months leading up to and during the session. To view the detailed overview of school funding provisions and levels in the state budget, you can view the Week #16 ISBA Legislative Update [HERE](#).

### **Results of the ISBA Legislative Priorities Agenda**

*The 2021 ISBA Legislative Priorities included 11 agenda items. The following summary identifies bills aligned to these priorities and the results of each bill.*

#### **1. Increased Financial Resources to Support K-12 Students**

- a. [HEA 1001](#) (**State Biennial Budget**; Rep. Brown). Status: **PASSED**. We thank Representative Tim Brown and Senator Ryan Mishler, and their fiscal analysts, for constructing a good budget

for public education. ISBA also thanks Senators Ron Alting, Vaneta Becker, J.D. Ford, Eddie Melton, and Jean Breaux for their remarks from the floor asking for increased (funding) support for K-12 public education.

- b. [SEA 2](#) (**Tuition Support Funding for Virtual Instruction**; Senator Raatz). Status: **PASSED**. We thank Senator Jeff Raatz for authoring this bill that will provide 100% ADM funding for virtual instruction due to COVID-19 during the 2020-2021 school year.
- c. [HEA 1008](#) (**Student Learning Recovery Grant Program**; Rep. McNamara). Status: **PASSED**. We thank Representative Wendy McNamara and Senator Ryan Mishler for their work on this bill to address student learning gaps or losses due to the pandemic through \$150 million in a new student learning recovery grant program. The Indiana Department of Education has issued grant program guidance [HERE](#) and applications are due on May 12, 2021. School corporations are encouraged to work with community partners, including education service centers, on grant applications.
- d. [HB 1186](#) (**Early Graduation and ADM Count**; Rep. Cherry). Status: **DIED**. We thank Representative Bob Cherry for authoring this legislation the past two years to include seniors who graduate early in the spring semester count. This language was added to the House version of the state budget, but removed in the Senate's budget. ISBA will continue to support this legislation in future sessions.

## 2. **Funding to Close the “Homework Gap” for Students and the “Digital Divide” Facing School Communities**

- a. [HEA 1449](#) (**Broadband Development**; Rep. Soliday). Status: **PASSED**. We thank Representative Ed Soliday and Senators Eric

Koch, Erin Houchin, and Andy Zay for their work on many bills to expand high-speed broadband throughout the state, especially in rural areas. HEA 1449 amends the rural broadband fund, in part, to ensure that students have access points providing a connection to eligible broadband service in rural areas of the state.

- b. The 2021-2023 state budget appropriates \$250 million of federal stimulus and recovery funds for broadband expansion in the state.

### 3. **Targeted, Temporary Civil Liability Immunity for School Officials**

- a. [SEA 1](#) (**Civil Immunity Related to COVID-19**; Senator Messmer). Status: **PASSED**. We thank Senator Mark Messmer and Senator Eric Koch, as well as Representatives Jerry Torr, Matt Lehman, and John Young, for their work on this law (and HEA 1002) to expand civil tort immunity for damages arising from COVID-19 for different organizations, including school corporations.

### 4. **2021 ILEARN Testing Waivers and Hold-Harmless for Spring Test Scores for A-F School Accountability Grades**

- a. [HEA 1514](#) (**School Accountability**; Rep. Cook). Status: **PASSED**. We thank Representative Tony Cook for his work on this law that will provide a “hold harmless” provision for Spring 2021 ILEARN scores for A-F school grades for the 2020-2021 school year, require the State Board of Education to create a data dashboard system by July 1, 2024, require a learning loss study by the IDOE, and eliminate A-F accountability system consequences, among other provisions.

### 5. **Remote School Board Member Participation in Board Meetings**

- a. [HEA 1437](#) (**Electronic Communication at Public Mtgs**; Rep. Cook). Status: **PASSED**. We thank Representative Cook and Senator Linda Rogers for their work on this new law. Lisa Tanselle, ISBA General Counsel, worked closely with the bill

authors to ensure that the views of school board members were reflected in this bill that will allow for remote board member participation in school board meetings under certain conditions. As aforementioned, ISBA will issue formal guidance on this law next week.

## 6. **Capital/Controlled Project Net Tax Rate Ballot Language**

- a. [HB 1363](#) (**Controlled Projects**; Rep. Thompson). Status: **DIED**.

We thank Representative Jeff Thompson for filing this legislation again this year. The bill would allow for the net tax rate (“true tax rate”) to be included in the local public question for controlled projects referenda, once deducting maturing or retiring debt. We also thank Senator Mike Bohacek for his efforts to include this language in [SEA 55](#). ISBA language was inserted in the first two conference committee reports on SB 55, but due to language conflicts with HEA 1271, the net tax rate ballot language did not pass.

## 7. **TIF Reform**

- a. [HB 1187](#) (**Tax Increment Financing**; Rep. Cherry). Status: **DIED**.

We thank Representative Bob Cherry for filing this bill that would have added a school board member as a voting member to municipal and county redevelopment commissions and required a pass through of incremental AV from the TIF to other units of government.

## 8. **Supporting the Teaching Profession**

- a. [HEA 1001](#) (**State Biennial Budget**; Rep. Brown). As previously summarized, the state budget provides tuition support increases of approximately 3.5% annually for school corporations, establishes expectations of a minimum starting teacher salary at

\$40,000, a target of 45% of tuition support for teacher salaries, and spending no less on teacher pay than the prior year. ISBA will be providing substantial guidance on these provisions in the future, including an agenda spotlight during the Annual ISBA-IAPSS Collective Bargaining Webinar on August 20, 2021.

#### 9. **Procedure to Set School Board Member Per Diem and Compensation**

- a. [SB 333](#) (**Per Diem Rates for Governing Body Members**; Sen. Raatz). Status: **DIED**. We thank Senator Raatz for introducing this bill to establish a new process through the State Board of Education to set school board per diem rates annually. This bill passed 47-0 in the Senate, but died in the House Education Committee without receiving a hearing.

#### 10. **Exempt School Facilities from Mandatory Use as Voting Centers**

- a. [SEA 260](#) (**Circuit Court Clerk Matters**; Senator Walker). Status: **PASSED**. We thank Senator Greg Walker and Representative Tim Wesco for their work on this bill that includes many election matters, including a provision that a school that is used as a polling place may on election day to: (1) conduct a virtual instruction day for students who attend school in the school building; or (2) conduct in-person instruction for students who attend school in the school building if certain conditions are met. While this bill doesn't empower the school board or administration to decline requests for use of school buildings as polling places, it does provide some flexibility as to whether classroom instruction on election days is virtual or in-person.

#### 11. **Deregulation Initiatives**

- a. See HEA 1514 previously summarized. No other bills of substance were introduced this session that aligns with this objective.

### **Grassroots Advocacy at Work**

Thanks to you, our ISBA members, for your active engagement in grassroots advocacy this session. You responded in volume to several call-to-action alerts. Our united and visible efforts were impactful and led to the defeat of a number of adversarial bills (that will be spotlighted during the Member Meeting Webinar), passage of many pro-public education measures, and tremendous funding increases for public schools. Yes, there were also legislative losses this session.

We especially thank the 191 school boards that adopted resolutions in opposition to HB 1005, SB 412, and SB 413 that proposed to significantly expand school choice. School boards in ISBA Region 6 led the charge with 21 of 25 school boards in that region adopting such a resolution. This unified voice and extensive effort were impressive. The “ESA Is Not OK” campaign helped generate significant earned media throughout the session. I believe the public understood our valiant efforts were to ensure adequate funding of public schools and the more than 1 million students in our classrooms. Commendations to all who lent their voice and engaged in this campaign.

We have much more work ahead of us to defend public education—the pillar of American democracy, catalyst of state economic development, and the engine of opportunity for children. For now, please thank the legislators that have been identified in this update for their support of ISBA’s legislative priorities. Thank you!

If grassroots advocacy is something that you enjoy or you value its importance, we encourage you to apply for one of the vacancies on the ISBA Legislative Committee. Two school board members from each region serve on this committee. Please contact Talia Bynm at: [tbynm@isba-ind.org](mailto:tbynm@isba-ind.org) if interested.

### **Member Meeting Webinar**

Lisa Tanselle, General Counsel, and I will be reviewing many of the new K-12 education laws and answering your questions about the 2021 session during our live Spring Member Meeting Webinar on May 12, 6 p.m. EDT. If you haven't already registered, please do so at: <https://web.isba-ind.org/events/ISBA-Spring-Member-Meeting-Webinar-1944/details>

Sincerely,



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