



Dear ISBA Members:

Here is your **Week #12 ISBA Legislative Update**. Because of the late stage of the session, this is a substantial update. There is now less than four weeks of the budget session left with the new adjournment date scheduled for Wednesday, April 21. The third reading deadline for bills to pass out of the second chamber will be Tuesday, April 13. The next state revenue forecast to be submitted to the Indiana General Assembly is scheduled for the week of April 12. As mentioned last week, this will provide the last set of revenue projections to inform the final version of the 2021-2023 biennial state budget. ISBA is calling for at least 2% increases in school funding each year of the 2021-2023 biennium.

Legislative Process Diverting Public Input

HB 1001, the budget bill, will take on more significance as it has been declared that HB 1005 on the school choice expansion matters will not be heard in the

Senate and instead will only be included the budget. This signifies HB 1005 had less support in the Senate, and now senators can be protected with their votes with the package being a part of the approximately \$17 billion annual state budget. Another example of where public input has been circumvented was Wednesday in House Education Committee pertaining to SB 414. The committee heard testimony on the bill last week to address the bill and the four amendments that were shared with the public. The bill was held and brought back on Wednesday. That is where the acceptable practices following standard steps of the bill process ends. Late Tuesday evening 11 additional amendments were posted online and made available to the public. Of these amendments, nine included new language or concepts not previously discussed this session in a public hearing. Yet, no opportunity for additional public testimony was afforded on the bill. As a result, the substantially altered bill will likely become law without the public being afforded the opportunity to speak on what is in essence a new bill. This is neither democracy nor diplomacy at its finest! A summary of SB 414 will be included in next week's update as the new version of the bill is not available at this time.

ISBA Bill Tracking List

To view the ISBA Bill Tracking List, click [HERE](#).

Key K-12 Education Bill Activity

[SB 54 FAFSA Awards](#); Author: Senator Leising; Sponsor: Representative Behning. Earlier this month, we reported that the FAFSA bill passed out of the House Education Committee with an amendment that removed the mandate that school officials ensure that a senior student and parent complete the FAFSA application or sign a waiver and replaced it with language that created a financial award for school corporations that improve their FAFSA completion rate. The bill was recommitted to the House Ways and Means Committee because of its fiscal impact. On Wednesday, Representative Ed Clere

introduced an amendment that would require the Department of Education to administer a FAFSA completion incentive pilot program, beginning July 1, 2022, and ending June 30, 2023. The incentive award would be available to a school corporation that increases its FAFSA completion rate by at least 5%. The amendment also simplified the formula for calculating the award. ISBA testified in support of the amendment. The bill passed out of the Committee by a vote of 21-1. We thank Representatives Clere, Thompson, Brown, and others for bringing the favorable amendment forward.

SB 55 School Referenda; Author: Senator Bohacek; Sponsor: Rep. Teshka. The bill provides that an examination of the accounts and financial affairs of a school corporation must include an examination of any revenue spending plan and applicable fund for an operating referendum tax levy or school safety referendum tax levy to determine whether the school corporation is using the revenue collected from the levy in the amounts and for the purposes established in the applicable revenue spending plan. Provides that a contract entered into between the governing body of a school corporation and a school administrator may not provide for the awarding of a monetary bonus or other incentive that is based on the approval of a public question concerning the imposition of a property tax levy. Specifies requirements for a school corporation that adopts a revenue spending plan for a proposed referendum tax levy. Provides that a school corporation shall specify in its proposed budget the school corporation's revenue spending plan and present the revenue spending plan at its public hearing on the proposed budget. This bill passed out of the House Education Committee with amendments by a 13-0 vote on Wednesday.

SB 69 School bus stop arm violation enforcement; Author: Senator Niemeyer; Sponsor: Rep. Slager. The bill specifies that a registered owner of a motor vehicle commits an infraction if the owner's vehicle is used to violate the school bus stop arm law. It provides a defense for a registered owner who fully

cooperates with law enforcement, if: (1) the vehicle was stolen; (2) the registered owner routinely engages in the business of renting the vehicle; or (3) the registered owner provided the vehicle for the use of an employee. Specifies that: (1) the bureau of motor vehicle may not assess points for the infraction; and (2) an adjudication for the infraction does not create a presumption of liability in a civil action. The bill passed out of the House Roads and Transportation Committee by a 7-3 vote on Wednesday.

[SB 260](#) **Circuit Court Clerk Matters**; Author: Senator Walker; Sponsor: Rep. Wesco. This bill addresses various election law matters. Of interest to ISBA is SECTION 7 of the bill. Current law requires school buildings to be made available to county officials for the purpose of holding elections. This bill further states that if the school is selected as a polling place, the school may (1) conduct a virtual instruction day for the students in that building; or (2) conduct in-person instruction if access to the polling place is secured from access to other areas of the school building. Language that would have allowed the school to still count the day as an instructional day in cases where the day was canceled was removed from the bill in committee last week. The bill passed out of the House on third reading by a 58-36 vote on Tuesday.

[HB 1266](#) **Education building and transportation authorities**; Author: Representative Clere; Sponsor: Senator Donato. The bill requires the Department of Education (department) to issue a request for information concerning the possible establishment of educational building authorities and educational transportation authorities that would operate K-12 school buildings, or other educational experience centers, and K-12 transportation, respectively. Provides that the deadline for submission of responses to the request for information may not be later than September 1, 2021. Requires the department to prepare and submit, not later than October 1, 2021, a report that includes the information regarding the responses to the request for information and any

recommendations by the department. As amended in Committee on Wednesday, the bill urges the legislative council to assign to an appropriate study committee for the 2021 interim the task of reviewing the report submitted by the department. **ISBA opposes this bill** as its theoretical underpinning calls for the removal of the oversight of governing bodies of school corporations and the duty of school administrators from managing school facilities and transportation to privatize these services. There is no evidence to believe a separate quasi-governmental or for-profit entity created in each county can manage these aspects of K-12 education more efficiently and this would only increase government bureaucracy and inefficiencies. This bill passed out of the Senate Education & Career Development Committee by a 9-4 vote. ISBA thanks Senators J.D. Ford, Melton, Qaddoura, and Yoder for voting against the bill. Please call or email your area senator this weekend to ask that they vote “no” on the bill next week.

[HB 1271](#) **Department of Local Government Finance**; Author: Rep. Leonard; Sponsor: Sen. Bassler. This is the annual lengthy bill with DLGF updates and includes many different issues. There is new language in the bill which did not come from the DLGF that deletes the current referendum question for operating referenda, operating referenda renewals, and safety referenda. It now includes the estimated average percentage of property tax increase (rather than the tax rate increase per \$100 AV) to be computed by the county auditor of the county in which the school corporation is located. There is an 8-step process in the bill to determine the estimated average percentage of property tax increase. ISBA, IASBO, and IUSA are on record for opposing the referendum ballot language changes. This bill passed out of the Senate by a 37-10 vote on Monday. The House concurred with the Senate amendments to the bill yesterday. It will now move to the governor for his signature into law.

Grassroots Advocacy at Work

It's not too late to have your voice heard on the many bills still active in the bill process, but most importantly on HB 1001, which as mentioned will also be the sole home for the school choice expansion package. Please write, email, or call your area legislators to communicate your thoughts and perspectives on the bills moving and the work that they are doing.

Thank you for all you do to support the more than 1 million Hoosier students in our public school classrooms!

Sincerely,



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