



Policy Advisor

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2021 INDIANA GENERAL ASSEMBLY ACTION

This article will discuss the actions taken by the 2021 Indiana General Assembly relating to policy considerations by Indiana school boards. The legislative action will be referred to as the enrolled act designation and its public law number. The enrolled acts may be found on the Indiana General Assembly website at <http://iga.in.gov/> by clicking on the Bills tab in the upper right-hand corner of the page and putting the bill number in the drop-down box. The effective date for all Acts is July 1, 2021, unless otherwise noted.

A. HEA 1437, P.L. 88-2021 – BOARD MEMBER PARTICIPATION IN ELECTRONIC SCHOOL BOARD MEETINGS

In May 2021, ISBA sent out a memorandum on the specific requirements for individual school board members to participate in a school board meeting by electronic means when a disaster emergency is not in place. HEA 1437 amends the Open Door Law and took effect April 20, 2021. The new law allows school board members to participate in a school board meeting by electronic means but does not require a school board member to be allowed to do so. [Note: HEA 1437 also provided for school boards to meet via electronic means while under a declared state or local disaster emergency.]

HEA 1437 requires a school board to adopt a policy on the procedures for individual board members to participate electronically in school board meetings. The policy must address the procedures that apply to an individual school board member's participation in a school board meeting by electronic means. This

would include such items as to how the individual school board member would notify the board of the need to participate by electronic means, the person to notify, and the timeframe within which to file the notice. The timing of the notice is key for those school boards that do not regularly engage in electronic means of communications for its meetings. Time will be needed to set up the electronic communications as the school board member must be able to be heard and seen by the public and other board members attending the meeting, in addition to being able to hear the other school board members attending the meeting.

HEA 1437 allows the school board policy to include other related matters. The additional matters include limiting the number of individual members who can participate by electronic means in one meeting and limiting the total number of meetings during a calendar year that will include electronic participation by school board members. Other provisions concerning the use of electronic communications for a school board meeting may be included in the policy as long as the provisions do not violate the mandated

provisions of the law. The policy may also provide for more restrictive matters than the ones set out in the statute. A school board also has the option to not allow a school board member to participate by electronic means in any of its meetings. ISBA has previously sent out its sample board policy on this topic.

B. HEA 1001, P.L. 165-2021 – TEACHER APPRECIATION GRANT

Section 167 of this Act provides for teacher appreciation grants to be distributed to schools for teachers who are rated Highly Effective and Effective. The requirements and restrictions of this grant are the same as the teacher appreciation grant provided in the last state budget. The teachers eligible for the grant are those who are providing classroom instruction for the school corporation or are directly providing virtual instruction and are employed by the school corporation on December 1, 2021. This section is effective June 29, 2021.

The requirements for this grant are the same as the previous grant and are set out below as a reminder of the grant requirements.

1. The school board may set aside up to twenty percent (20%) of the grant monies received by the school corporation to provide a supplemental award to teachers with less than five years of service who are rated highly effective or effective. This supplemental award is in addition to the teacher appreciation award for all eligible teachers.
2. The school corporation is required to give a different amount to its highly effective teachers and its effective teachers. The difference must be at least 25% more given to highly effective teachers than to effective teachers.
3. The school board must annually adopt a policy on the amount of the stipends that will be given to its highly effective and effective teachers. After the policy is adopted, it must be submitted to the Indiana Department of Education for approval on or before September 17, 2021. If

the Department does not approve the school corporation policy, the school corporation will not receive the teacher appreciation grant monies.

4. The school board has the option to add up to 50% of the stipend paid to each teacher to the base salary of the teacher. If a school board chooses to do so, a provision may be included in the policy. The additions to the base salary do not have to be bargained but must be discussed with the exclusive representative of the teachers. The stipend and policy must also be discussed with the exclusive representative of the teachers.

The adoption of the policy is required even though the school board may have adopted a policy under the previous law. This is a grant provided for in the budget bill, which is only effective for two years, so the previous grant is no longer valid. This grant is in the new budget bill, which provides an appropriation for the grant, making it a new grant for the two-year budget cycle. The adoption of the policy should be a priority for school boards. Most school boards require policies to go through second and/or third readings before the policy may be adopted by the board. This is a local process and is not required by law. A school board may vote to suspend this process if it is needed to adopt the teacher appreciation grant policy in time to send it to the Indiana Department of Education. The ISBA sample policy for the teacher appreciation grants has been previously distributed.



C. HEA 1119, P.L. 175-2021 – SMALL PURCHASE – YOUTH AGRICULTURAL EDUCATION PROGRAM

This Act amends the small purchases chapter of the Public Purchase law and adds a new section to IC 5-22-8. The new section allows a school corporation to purchase up to \$7500 per fiscal year of food produced by a youth agricultural education program using the micro-purchase requirements of the federal regulations in 2 CFR Part 200 or the state's small purchase methods set out in IC 5-22-8. If a school corporation may or will be making such purchases, the school board should consider amending its small purchase policy to address such purchases.

D. HEA 1438, P.L. 200-2021 – COURSE ACCESS PROGRAMS/PROVIDERS

The Act amends some of the approval requirements for students who want to enroll in a course that is part of a course access program or in a course provided by a course access provider. The Act was effective upon passage, which occurred April 29, 2021. A school corporation has 15 days from the date of an eligible student's request to enroll in a course access program course to notify the student if it accepts or denies the request. If it denies the request, it must notify the parent and student of their right to appeal its decision to the Indiana Department of Education. If the school corporation fails to notify the student and parent of its decision within 15 days of the student's request to enroll in a course, the student is automatically approved to



enroll in the course requested. The school corporation may deny the request for one of two statutory reasons: enrollment of the student in the requested course will exceed the normal course load at the school corporation; or the cost of the course is unreasonable. But if the student or parent agrees to pay the tuition for the course, the school corporation cannot deny the student's enrollment in the course.

This Act allows a school corporation to be authorized to be a course access provider if it meets the criteria for such a provider as established by the Indiana State Board of Education (SBOE). This Act requires the SBOE to establish the requirements to be authorized by the IDOE to be a provider or to be a course access program. In addition, the Act requires the SBOE to establish an appeal process for parents and students who have been denied enrollment in a requested course by a school corporation. If a school corporation has been authorized to be a course access provider, it is required to post on its website any online course that has slots available for enrollment and the number of slots available. IDOE will also post this information on its website. A school board which has adopted a course access program policy should review the new provisions in this Act and amend its policy if needed.

E. HEA 1531, P.L. 213-2021 – DEPARTMENT OF CHILD SERVICES – INTERVIEWS OF CHILD AT SCHOOL

This Act amends the law on investigations of child abuse or neglect by the Department of Child Services (DCS) and clarifies the interviewing of students at schools. The Act amends IC 31-33-8-7 to require school officials to allow DCS case workers or employees to interview the child alone at school. The new provision requires the DCS employee to provide to school officials the employee's credentials as a DCS employee for inspection when the employee arrives at the school and a written statement to school officials that states DCS has either parental consent, a court order, or exigent circumstances exist to interview the child. This statement may be submitted to the school electronically. This statement is to be maintained by the school in the child's file. The school is also required to maintain the confidentiality of the child and his or her family regarding the statement and the interview. In other words, the statement and interview are protected by FERPA



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and state law regarding the investigation of child abuse or neglect. School corporations should review their policies and procedures with respect to allowing DCS employees or the interviewing of students in relation to child abuse investigation and amend them to comply with the new law.



F. SEA 414, P.L. 164-2021 – INTERNET USE POLICY AND USE OF FILTERS

This Act adds a new section to IC 20-26-5. The new section requires a school board to adopt and implement by January 1, 2022 an Internet Use policy that contains the following provisions:

1) prohibits the sending, receiving, viewing and/or downloading of materials harmful to minors on all technology-related devices owned by the school corporation; 2) provides for the use of filters or blocking hardware or software of harmful materials to

minors on all school corporation owned technology-related devices; and 3) establishes disciplinary measures to be taken against any person who violates the policy. The first two requirements are already required by the Children’s Internet Protection Act (CIPA), a federal law which requires certain protections be put in place by entities receiving E-rates, and thus a board policy may not be needed for most school boards in the state.

School boards should review its Internet Use or Acceptable Use policy to determine if it complies with CIPA and the new Indiana law requirements. ISBA has previously distributed its sample policy on this topic to its members. 📧

If you have any questions or would like a copy of any document referred to in this article, please contact Julie M. Slavens, Senior Counsel/Director of Policy Services, by phone: 317/639-4362 or by e-mail: jslavens@isba-ind.org.



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