



Policy Advisor

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2019 INDIANA GENERAL ASSEMBLY ACTION

This article will discuss the actions taken by the 2019 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, 2019, unless otherwise noted. It is advised to read through all of the Acts and the sections reported below as there are some key provisions school boards should be aware of to address in the next few months.

A. HEA 1001, P.L. 108-2019 – TEACHER APPRECIATION GRANT; EARLY ENTRANCE AND ADM COUNT

Teacher Appreciation Grant

Section 231 of this Act provides for teacher appreciation grants to be distributed to schools for teachers who are rated Highly Effective and Effective. This grant is essentially the same grant provided in the last state budget. The teachers eligible for the grant are those who are providing classroom instruction for the school corporation. This section is effective June 29, 2019.

The grant was amended to allow the school board to 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.

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

1. 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.
2. 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. The policy must be adopted and submitted to the Indiana Department of Education for approval in addition to the school corporation staff performance evaluation plan by September 13, 2019. If the Department does not approve the school corporation policy, the school corporation will not receive the teacher appreciation grant monies.

3. 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. 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 former law. This is a grant provided for in the budget bill which is only effective for two years, so the former 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. Thus 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.

Early Entrance and ADM Count Funding

Section 223 of this Act amends IC 20-43-4-5 allowing school corporations to include in the ADM count those students who were granted early entrance to Kindergarten and are five years of age on September 1, 2019 for the 2019-2020 school year. The law requiring a student to be five years old before or on August 1 to be enrolled in Kindergarten has not changed; students who are not five years old on August 1 may still enroll in Kindergarten under the school corporation's waiver and appeal process for early entrance to Kindergarten. This amendment means the school corporation will receive tuition support for the students who turn five years old prior to September 2 if enrolled as these students can now be counted in the school corporations' ADM count. Section 223 is effective June 29, 2019.

Given this change in the state tuition support, school corporations that had previously decided not to accept early entrance Kindergarten students will need to decide if they will accept early entrance to Kindergarten as they will be able to receive tuition support for those students enrolled and are five years old on September 1, 2019. If early entrance to

Kindergarten students will now be accepted, the former early entrance policy does not have to be changed due to the change in the law; but will need to be adopted by the school board. The law was also amended to allow school corporations beginning with the 2020-2021 school year to include Kindergarten students who are five years old on October 1 to be included in the ADM count.

B. HEA 1209, P.L. 169-2019 – COACHES – HIRING AND EXPANDED CRIMINAL HISTORY CHECKS REQUIREMENTS

This Act adds new sections to IC 20-26-14. The new sections require specific actions on the part of the school corporation when hiring coaches. For purposes of this law, coaches are defined as those who coach IHSAA recognized sports at Grades 9 through 12 and includes coaches who are teachers, coaches who are not teachers but are paid by the school corporation, and coaches who are volunteers.

The new law requires a school corporation to do the following prior to hiring or allowing a person to coach an IHSAA recognized sport for grades 9 through 12:

1. Ask the person whether he or she is or has been accredited by the IHSAA to coach and if so, whether or not the person's accreditation has been revoked or suspended by the IHSAA;
2. Request references from the person;
3. Contact all of the references the person provides; and
4. Contact the IHSAA to determine if the person's coaching accreditation has been suspended or revoked in the past or is currently.





This law also requires the school corporation to obtain an expanded criminal history check on a volunteer coach before the individual is allowed to coach. (This would include practices as well.) The school corporation policy on expanded criminal background checks should be amended to reflect this requirement. The ISBA has amended its sample policy on this topic to reflect the amendments made by this Act. The policy has been previously distributed.

This Act added a reporting requirement for school corporations. The new statute requires school corporations to report to the IHSAA when a nonteaching or volunteer coach has been convicted of certain statutory crimes. (These are the same crimes for which a teacher loses their teaching license; see IC 20-28-5-7.) The Act also states a school corporation is subject to the blacklisting statute when it fires a volunteer coach. The blacklisting law requires a former employer to be truthful as to the reason for discharging an employee and not to interfere with the discharged coach's ability to obtain employment elsewhere. See IC 22-5-3-1. The new law also grants civil immunity to school employees for carrying out the requirements of the law except in cases where the employee's actions were grossly negligent or willful and wanton misconduct.

C. SEA 29, P.L. 94-2019 – STUDENT ASSIGNMENTS FOR SUSPENDED STUDENTS; ALTERNATIVE EDUCATIONAL SETTINGS FOR EXPELLED STUDENTS; SCHOOL MATERIALS FOR JUVENILE DETAINEES

Section 2 of this Act, amends the student suspension statute requiring a student who is suspended to complete all assignments and school work during the period of the suspension. The law requires the principal or designee to provide the student notice of the assignments and other school work and the teacher contact information so the student may contact the teacher with any questions about the assignments. The law does not require the school to grade or give credit to the student for the work completed while suspended. Whether or not the student receives credit for the assignments and homework completed is up to the local school corporation and should be addressed in its make-up credit policy. If credit is given for the work completed while a student is on suspension, full credit must be given for the work done; no grade or credit reductions should be taken on the

completed work due to the student being suspended.

Section 3 of the Act amends the expulsion procedure statute requiring the school corporation to prepare a list of alternative education programs in the same county and in an adjacent county an expelled student may attend during the expulsion period.

The expulsion examiner is required to give this list to the student and the student's parent at the expulsion meeting or send it to them if no expulsion meeting takes place or they do not attend the expulsion meeting. The list must include a notice to the student and parent failure to attend one of the programs during the expulsion may be a violation of the compulsory attendance law. The prosecutor's office makes the determination to pursue a parent for violations of the compulsory attendance law; this is not the responsibility of the school corporation. (Although a school official may report to law enforcement the student is not enrolled in an alternative program.) The law states it is not a violation of the compulsory attendance law if there is not a virtual charter school or an alternative education program available for the student to attend in the school corporation's county or in an adjacent county. A school corporation should consider adding provisions to its suspension and expulsion procedures regarding the new requirements.

This Act adds a provision requiring a school principal or designee to provide school materials which are defined as curricular materials and syllabi to a student who is detained in a juvenile detention facility for more than seven calendar days IF the detention facility or the student's parent makes such a request. The materials required to be provided does not include any hardware. The materials may be provided in an electronic format. The materials must be delivered every seven calendar days that include instructional days until the student is released from the detention facility or the student's parent or the facility requests the materials no longer be delivered. There is no policy required for this law, but a school corporation may consider including a provision in its student handbook concerning this requirement.

D. HEA 1089, P.L. 241-2019 – STUDENT TRANSFERS – SCHOOL EMPLOYEES' CHILDREN

Section 1 of this Act amends IC 20-26-11-6.5, which addresses the acceptance of transfer students who are children

of school employees that do not have legal settlement in the school corporation where the employee works. The law requires all school corporations to accept the transfer requests of students who are employees of the school corporation but do not have legal settlement in the school corporation regardless of whether or not the school corporation has a policy of accepting transfer students. The amendment requires the employee to have an annual salary of at least \$8000 for the school corporation to be required to accept their children as transfer students in the school corporation where the employee works. The employee must reside in Indiana.

A school board that does not accept transfer students but has adopted a policy accepting the children of school employees who did not live within the school corporation where the employee works as transfer students should consider amending its policy to reflect the new requirement. A school board that does accept transfer students should review their transfer policies and consider amending them to comply with this new requirement.

E. SEA 464, P.L. 155-2019 – HOMELESS LIAISON

This Act amends various sections of IC 20-50-1, concerning homeless children and youth. The amendments bring the state law in line with the requirements of the McKinney-Vento Homeless Education Assistance Improvement Act with respect to posting information and providing professional development to teachers on the requirements of the law. The amendments require school



corporations to appoint a homeless liaison and set out the duties of the homeless liaison in accordance with the federal law. ISBA has amended its Homeless Students policy to reflect the changes in this Act. The policy has been previously distributed.

F. SEA 373, P.L. 226-2019 – CREDIT FOR RELIGIOUS INSTRUCTION

This Act amends the religious instruction statute allowing school corporations to give a maximum of two credits for religious instruction. The new law sets out the criteria for allowing credit for religious instruction. Objective criteria must be used as when the school corporation examines the curriculum of non-public school classes for credit. The criteria cannot be based upon the religious nature of the class and must be neutral in nature. In order for the credit to be given, the school board must adopt a policy allowing students to earn the credit and the policy must set out the secular criteria to be used in evaluating the religious instruction for the credit to be earned.



G. SEA 132, P.L. 97-2019 – CIVICS TEST; HOLOCAUST

This Act amends the statute requiring the subject matters to be taught in high school. The Act requires students who take United States Government must take the citizenship naturalization test as a graduation requirement. There is no requirement the students pass the test, but must only take the test. The law also requires an enhanced curriculum on the Holocaust to be taught in a United States history course. There is no policy required by this Act. Some school boards have policies on graduation requirements and such should be reviewed to determine if such policies should be amended to comply with the graduation requirements in this Act.



If you have any questions or would like a copy of any document referred to in this article, please contact Julie M. Slavens, Staff Attorney, by phone: 317/639-0330 ext. 111 or by e-mail: jslavens@isba-ind.org.