



Dear ISBA Members:

Here is your **Week #11 ISBA Legislative Update**. This update spotlights seven (7) bills this week. Yes, a lot of information, but we want you to be “in the know.” We are down to a couple of weeks for bills to move out of committee in the second chamber to remain eligible in the bill process. ISBA anticipates that the Senate Appropriations Committee will vote on the Senate Republican (Majority) state budget around April 1. The next state revenue forecast to be submitted to the Indiana General Assembly is scheduled for April 12. This will provide the last set of revenue projections to inform the final version of the 2021-2023 biennial state budget.

ISBA Bill Tracking List

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

Key K-12 Education Bill Activity

[SB 2](#) **Funding for virtual instruction in public schools**; Author: Senator Raatz; Sponsor: Representative Slager. Establishes a definition of "virtual instruction" for purposes of determining a school corporation's basic tuition support using the: (1)

2020 fall count; and (2) 2021 spring count; of average daily membership. The Senate, on Monday, concurred with the House amendments and the bill will now move to Governor Holcomb to sign into law. **ISBA supported this legislation as it provides full (100%) ADM funding for “virtual instruction due to COVID-19” this school year.**

[SB 69](#) **School bus stop arm violation enforcement**; Author: Senator Niemeyer; Sponsor: Rep. Slager. The House Roads and Transportation Committee held SB 69 until next week to provide more time for Rep. Slager to work with stakeholders on an amendment to the bill, which would add teeth to the enforcement of school bus stop arm violations. The proposed amendment specifies that a recorded image of an individual operating a vehicle that illegally passes an extended school bus stop arm may be used as evidence in the prosecution of the individual for the stop arm violation. The underlying bill, which passed the Senate by a vote of 38-11, was authored by Sen. Niemeyer and allows authorities to prosecute school bus stop arm violations in cases where a stop arm camera has captured an image of the offending license plate but not an image of the driver.

[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. The bill passed out of the House Elections and Appointment Committee earlier this week by a vote of 8-4.

[SB 358](#) **Vacant or Underutilized School Buildings**; Author: Senator Rogers; Sponsor: Rep. Behning. This bill requires school corporations to offer vacant and “underutilized” school buildings to charter schools for sale or lease for \$1. The definition of an underutilized building is generally a school building that is used at

less than 50% of its capacity. Starting in the 2021-2022 school year, school corporations will have to report to the Department of Education the current use and current capacity of each of its buildings. The bill passed the Senate by a vote of 30-16 and has been assigned to the House Education Committee. **ISBA opposes this bill** and contends that is unfair to taxpayers to give school buildings away and advising that the constitutionality of the current law is being litigated currently. **School board members need to contact their legislators to discuss the impact this bill would have on your school corporation. We anticipate that this bill will be heard in the House Education Committee on Wednesday. Any member who would like to testify against the bill, ISBA will reimburse you for mileage and parking expense. Please email me if interested in doing this: tspradlin@isba-ind.org**

HB 1266 Education building and transportation authorities; Author: Representative Clere; Sponsor: Senator Donato. This bill was scheduled for an “amend and vote” action in the Senate Education and Career Development Committee on Wednesday, but it was held to allow the bill sponsor to continue working on amendments to the bill. The current language of the bill requires the Department of Education 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 school bus transportation respectively. **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. ISBA, IAPSS, IASBO, ISRSA, and ISTA oppose this bill. **Please call your state senator and ask that they oppose this bill or send the bill to a study committee.**

HB 1271 Department of Local Government Finance; Author: Rep. Leonard; Sponsor: Sen. Bassler. [Copied from an IASBO Alert:] On Tuesday morning the Senate Tax & Fiscal Policy Committee heard HB 1271. 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.

Indiana ASBO, ISBA and IUSA oppose this language. The new proposed ballot question is much longer (more than doubled), more complicated and decreases the amount of transparency in the question. The term “estimated average percentage of property tax increase” does not tell the voters anything specific pertaining to the impact on their taxes. In fact, it could be a very incorrect figure for a homeowner or a business because it is an estimated average for all taxpayers.

[HB 1437](#) Electronic Communication at Public Meetings; Author: Rep. Cook; Sponsor: Sen. Rogers. This bill passed out of Senate Local Government Committee with this [AMENDMENT](#) on Thursday by a vote of 5-2 (Senators Frank Mrvan and Dennis Kruse voted against the bill). An updated version of the bill will be available online next week. The bill would allow school board members to participate in board meetings remotely and be counted as present as long as at least 50% of the members are physically present. The language would also allow a board member who is participating remotely to vote on certain matters as long as the board member can be seen and heard. As the bill reads now, the board member who is participating remotely could not vote on the adoption of a budget, the initiation of a referendum, and a reduction in personnel, among other things. School boards must also allow the public to simultaneously attend and observe certain meetings. School boards must establish written policies on remote participation and may establish more restrictive procedures than those set forth in statute. ISBA has testified in support of the bill, but continues to seek clarification of the language regarding the duty to allow the public to simultaneously attend meetings and the ability of the board member who is participating remotely to vote on certain matters.

Grassroots Advocacy at Work

Is your school board one of the now approximately 150 school boards that have adopted a resolution against HB 1005 and SB 413? Please check the ISBA's "ESA Is NOT Ok" webpage to see if your school corporation is listed: <https://www.isba-ind.org/esa-is-not-ok.html>. If your school board has adopted a resolution, but is not listed, please send a signed pdf copy of the resolution to Adam VanOsdol at: avanosdol@isba-ind.org. If you haven't yet adopted the resolution, please do so as soon as possible, even at your April board meeting. ISBA is aiming for 100% school board participation. Thank you!

Have you seen the Associated Press story with the headline: "**School Boards Push Back Against Indiana Voucher Expansions**" [HERE](#). Our messaging is permeating in regions and communities across the state. We are also hearing about regional forums occurring that have included broader stakeholder support from the business and nonprofit sectors. Thank you to the multitude of ISBA members who have engaged in grassroots advocacy engagement. A prominent senator told me yesterday that his caucus members have heard "loud and clear" from school board members and the education community. Well done!

Have a peaceful weekend.

Sincerely,



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