



Dear ISBA Members:

Here is your Week #4 ISBA Legislative Update for the 2022 short session of the Indiana General Assembly. This update is a longer one as there was a heavy volume of bill activity this week.

### **Bill Tracking List**

You can view the ISBA Bill Tracking List [HERE](#). The third reading deadline for bills in the house of origin is on Monday in the House of Representatives and on Tuesday in the Senate. At that point, active bills will move to the second chamber and are eligible for further consideration. The Tracking List will be updated next week to remove all dead bills and add ISBA's position on each of the remaining bills.

### **Partisan School Board Election Bills**

No action occurred again this week on any of the seven (7) bills introduced to move Indiana to partisan school board elections. The bills included: [HB 1182](#), [HB 1042](#), [HB 1145](#), [HB 1240](#), [HB 1305](#), [SB 144](#), and [SB 279](#). Because none of these bills were voted out of committee, they are all dead for the session. Thanks to all members who communicated with their area legislators

to share thoughts and concerns on these bills. While this certainly is a victory for the short session, it does not signify that this issue won't come back next year or in the future. Let's continue to strive for effective board governance across the state to further diminish conversation around this issue.

### **Mandatory Public Comment Bills**

**HB 1130 Public Comment at Meetings** (Author: Representative O'Brien). The bill requires school boards to provide an opportunity for oral public comment by members of the public who are physically present at the meeting. School boards will be allowed to adopt reasonable rules to govern public comment, but must allot at least three minutes to those who speak. The bill will also limit a governing body's authority to conduct a virtual meeting during a public health emergency to circumstances wherein the danger, threat, or emergency conditions make meeting in person impractical or present an imminent risk to the health or safety of the members of the public and the governing body. As stated in the Week #3 Legislative Update, ISBA embraces parental involvement and community engagement in schools as model practices for good governance and public transparency. This bill meets these principles and therefore ISBA supports the bill. HB 1130 passed out of the House of Representatives on Tuesday by a 92-1 vote. Senate sponsors of the bill are Senators Buck, Becker, and Messmer.

**SB 83 Meetings of School Boards and Charter Schools** (Author: Senator Leising). The bill requires the governing body of a school corporation or charter school to allow public comment at meetings. However, the bill allows a governing body to conduct an electronic meeting (other than an executive session) only if all of the following requirements are satisfied: (1) the charter school or school within the school corporation is closed because of an outbreak of communicable disease not more than five days before the meeting; (2) the school or schools have not reopened for in-person classroom instruction; and (3) public comment is allowed during the meeting. ISBA testified against SB 83 as introduced and requested the following amendments to be considered to gain the Association's support: (1) limit SECTION 1 of the bill regarding mandatory public comment to regular meetings of school boards and (2) delete

the rest of the bill to in essence restore Public Law 88-2021 (HEA 1437) that enabled virtual meetings during a public health emergency or local disaster emergency, and virtual participation by individual board members when an emergency declaration does not exist. The bill passed out of the Senate Education Committee on Wednesday by an 8-4 vote. We anticipate a second reading amendment to address the virtual meeting sections of the bill. If adopted, this may shift the position of ISBA from opposition to support.

### **Other Key Bill Information**

[HB 1072](#) **School Referendum Levies** (Author: Representative Behning). This bill would require that a school corporation must distribute a portion of revenue received from a school operating referendum tax levy or school safety referendum levy to each charter school in which students who receive not more than 50% virtual instruction and who have legal settlement in the school corporation attend. It provides that if a charter school receives a distribution from a school corporation from a school corporation tax levy or a school safety referendum tax levy, the charter school must post certain information on the charter school's Internet web site. A charter school that may receive money from a school corporation's tax levy or a school safety referendum tax levy may not promote a position on a referendum in the same manner as a school corporation is prohibited from promoting a position on a referendum. Lastly, it provides that the governing body of a school corporation in which 10% or more of the school corporation's school buildings are occupied in whole or part by: (1) one or more innovation network schools or (2) one or more participating innovation network charter schools, may sell a closed, unused, or unoccupied school building without first offering the school building to a charter school or state educational institution. HB 1072 passed on third reading in the House of Representatives on Thursday by a 52-39 vote. You can view the roll call [HERE](#) to see how your representative voted. ISBA opposes this bill.

[HB 1107](#) **Various Education Matters** (Author: Representative Clere). This bill adds provisions to the Indiana Code that would: (1) require schools to report to the Department of Education information regarding employees who have been physically injured by a student; (2) prioritize use of ESSER dollars, after June

30, 2022, to fund a program that addresses out of school factors that affect student learning; (3) shift the burden of proof in special education due process hearings to school corporations under certain circumstances; and (4) prohibit nondisclosure, nondisparagement, or confidentiality statements in settlement agreements in special education disputes. ISBA worked with the author and other education organizations on the special education provisions and is neutral on the bill. HB 1107 passed out of the House of Representatives on third reading by a 57-33 vote on Tuesday. ISBA hopes to work with the bill author and senate sponsor to continue to modify and improve the bill in the second half of the bill process.

**[HB 1134 Education Matters](#)** (Author: Representative Cook). Several amendments have been made to HB 1134, but the major components of the bill continue to be: (1) a mandate to create a curricular materials advisory committee that will review all curricular material used for student instruction and all educational activities (such as assemblies, lectures, and other presentations) that are presented to students, and make recommendations to the school board; (2) a mandate to create a curriculum portal and post curricular materials and educational activities on the school's website; (3) restrictions on personal analysis, evaluations, or surveys by third party vendors and by school employees; and (4) prohibitions of specific concepts in the curriculum and instructional programs related to sex, race, ethnicity, religion, color, national origin, or political affiliation. HB 1134 passed out of the House of Representatives on third reading Wednesday by a 60-37 vote. You can view how your state representative voted on this bill [HERE](#).

**[HB 1251 Various Education Matters](#)** (Author: Representative Behning). This bill, among many provisions: (1) requires the Department of Education to apply to the US Department of Education for assessment flexibility, allowing the administration of a statewide summative exam in grades 3, 5, 8, and 11 as well as assessment of subject matter mastery in other grades; (2) requires the Department to conduct a research study of academic standards; and (3) permits local school boards to issue adjunct teacher permits to individuals who have at least 4000 clock hours of experience in the content area and who have

not been convicted of certain felonies. An adjunct teacher's employment would not be subject to current teacher contract and collective bargaining laws. The bill is eligible for third reading by the House.

**SB 17 Material Harmful to Minors** (Author: Senator Tomes). This bill proposes to eliminate the ability of school employees and public library employees to assert the defense of educational purposes in cases where the employees may be charged with the crime that prohibits the dissemination of material harmful to minors (see IC 35-49-3-3). The bill passed out of the Senate Education Committee on Wednesday by a 9-4 vote.

**SB 115 School Employee Misconduct** (Author: Senator Freeman). This bill makes changes to the current laws on using information learned from criminal history background checks of applicants, current employees, and contracted individuals. The proposed changes would, in the opinion of ISBA, require school boards to not hire a person, or to not continue a person's employment, or not contract with a person if the individual had been convicted of certain criminal offenses. This would take away a school board's discretion to make these employment decisions. The author of the bill stated his intent was not to impose a mandate, but to ensure that the information received from criminal history background checks is taken into consideration. The bill passed out of Senate Education on Wednesday by a vote of 12-0. ISBA has spoken with the bill author and he will consider our concerns.

**SB 331 Education Matters** (Author: Senator Buchanan). This bill requires the Department of Education to annually report to the Legislative Council and the State Budget Committee on certain matters regarding full-time teacher salaries and benefits and the issuance of waivers of the requirement that a school corporation expend a specified percentage of tuition support for full-time teacher salaries. It authorizes the Treasurer of State to deduct up to 10% of funds made available for the Indiana Education Scholarship Account Program (program) to cover costs of administering the program in the first year and up to 5% of funds made available in each year thereafter. The bill also establishes the Indiana Education Scholarship Account Administration Fund to support the

administration of the program. Lastly, it requires any amounts deducted by the treasurer for administration costs to be deposited in the fund. Senator Buchanan stated to ISBA that bill provisions concerning the Indiana Education Scholarship Account Program are technical corrections and clean up to the enabling legislation passed last year, and not an expansion of the program.

This bill was recommitted to Senate Appropriations and heard on Thursday. Per a report from Denny Costerison, IASBO Executive Director, "*Senator Ryan Mishler, chair of the committee, presented an amendment to SB 331 that deals with the 45% teacher salary provision that is in the current state budget...The amendment to IC 20-28-9-28 does not change current law regarding the 45% provision but adds language that the Department of Education shall submit a report to the Legislative Council and the State Budget Committee by November 1, 2022 providing the percent and amount of teacher benefits for all school corporations...more information is needed to move benefits into the calculation which in the future if passed would increase the 45% guideline. The other issue on this subject is regarding school corporations who are members of special education or career & technical education co-op. These corporations are paying the co-op for their teachers but do not receive credit regarding the 45% guideline. This provision is not in the amendment to SB 331 and Senator Mishler is working on another amendment to make sure that the sending corporation's teacher salary amount includes the co-op funding. IASBO, ISBA and IAPSS support the amendment described herein to HB 331.*"

#### **4<sup>th</sup> Annual ISBA State House Day**

We are nearing capacity for **the 4th Annual ISBA State House Day on February 15**, to be held at the Indianapolis Downtown Marriott, 350 W. Maryland Street, Indianapolis. We are asking board presidents and legislative liaisons for every school board to attend. If you cannot make it, please ask another board representative from your school board to attend. **Registration will close on Friday, February 4.** Please reserve your spot today to ensure your seat! If you have any questions, please email me at: [tspradlin@isba-ind.org](mailto:tspradlin@isba-ind.org). Please RSVP your attendance via email to Talia Bynm at: [tbynm@isba-ind.org](mailto:tbynm@isba-ind.org).

Thank you for your efforts and contributions to engage in the ISBA Legislative Action Network and grassroots advocacy on behalf of the more than 1 million public school students and effective school board governance.

Sincerely,



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