



Dear ISBA Members:

Here is your Week #7 ISBA Legislative Update for the 2022 short session of the Indiana General Assembly. The countdown to the end of session has started. By law, the session must conclude by March 14, but speculation has it that the target date for adjournment will be no later than March 10. So, about three weeks to go!

### **Bill Tracking List**

You can view the ISBA Bill Tracking List [HERE](#). The digest on the included bills continues to change to reflect amendments that have been adopted throughout the bill process. You will want to review the tracking list regularly to keep up on the key K-12 education legislation of interest to you. Bills still active in the bill process must pass out of the second chamber by February 28 in the House of Representatives and by March 1 in the Senate.

### **Mandatory Public Comment Bills**

[HB 1130](#) **Open Meetings** (Author: Representative O'Brien) was amended and passed out of the Senate Education and Career Development Committee on Wednesday by a 10-1 vote. The amendment ensures that boards can effectively manage board meetings by setting a limit on the total amount of time

dedicated to receiving oral public comments while providing not less than three minutes to an individual member of the public who is recognized to speak. The amended bill maintains a provision that states, "Nothing in this section prohibits a governing body from taking reasonable steps to maintain order in a meeting, including removal of any person who is willfully disruptive of the meeting." Thank you to Representative Tim O'Brien (House District 78) for seeking input from ISBA on the amendment and the bill.

**[SB 83](#) Meetings of School Boards and Charter Schools** (Author: Senator Leising) was heard in the House Education Committee on Wednesday morning. Public testimony on the bill was taken by the committee, but the bill was held for possible amendment and vote at the final meeting this session of the House Education Committee on Monday. ISBA testified that it seeks to ensure that school boards maintain the ability to effectively manage board meetings, including establishing policy on public comment, conduct, and reasonable time limits. In addition, ISBA asked the House Education Committee to consider that mandatory public comment only apply to regular board meetings.

#### **Other Key Bill Information**

**[HB 1072](#) School Referendum Levies** (Author: Representative Behning). This bill would require a school corporation to 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. 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. Provides that 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. 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. ISBA opposes this bill and offers you these [Talking Points](#) to use in contacting your area state senator to express your concern with this legislation. **This bill has been assigned to the Senate Appropriations Committee, but has not been scheduled for a hearing. The last day for committee action on the bill will be Thursday, February 24.**

[HB 1107](#) **Various Education Matters** (Author: Representative Clere). This bill was heard by the Senate Education and Career Development Committee on Wednesday and several amendments were adopted. The provisions in the amended bill include: (1) language prohibiting school corporations from requiring parents of a student with a disability to enter into a settlement agreement that includes a nondisclosure, nondisparagement, or confidentiality clause; (2) a requirement that the Department of Education establish a data base that provides certain information related to special education due process hearings and report that information to the state advisory council on the education of children with disabilities; (3) a requirement that the Department of Education establish a data base concerning public school employees who were physically injured by students while working and post that information on its web site; and (4) language that allows a school corporation to prioritize the use of ESSER monies to fund a program that addresses out of school factors that affect student learning. The bill is now eligible for a second reading on the floor of the Senate.

[HB 1134](#) **Education Matters** (Author: Representative Cook). The Senate Education and Career Development Committee heard nearly two hours of testimony on HB 1134 on Wednesday after the committee adopted [Amendment #20](#) proposed by Senator Linda Rogers. The amendment deletes about 20 pages of the bill with the stated intent by Senator Rogers to restore local control. Some of the most significant changes to the bill brought by the amendment include: (1) Eliminates the mandate for the establishment of curriculum advisory committees by each school corporation and makes this a “may” provision; includes the ability of a parent to request the governing body to

determine the level of interest by parents and educators in establishing a curriculum advisory committee if one does not exist; and provides that, if a committee has been established, a parent of a student may request that the committee review specific learning material; (2) Eliminates provisions pertaining to the creation of curriculum portals and posting of learning material and educational activities and now requires school corporations to implement a learning management system by July 1, 2023, that is accessible by parents; provides that a parent shall be allowed to review any learning material requested by the parent; (3) Provides that a school corporation or qualified school shall not promote certain concepts as part of a course of instruction or in a curriculum or instructional program, or allow teachers or other employees to use supplemental learning materials, to promote certain concepts regarding sex, race, ethnicity, religion, color, or national origin (the list of “Dignity and Nondiscrimination in Education” concepts has been reduced with the amendment from eight items to three); (4) Requires each school corporation or qualified school to establish a grievance process for certain complaints, but the amendment eliminates the avenue for civil action and potential fines and legal fees as a part of the complaint process; (5) Provides that, if a parent of a student or a student, if the student is an adult or emancipated minor, is not satisfied with a final decision rendered by the review process established by a school corporation, the parent or student may submit a request to the Department of Education to review the complaint and decision; and (6) Establishes a notice and consent procedure with shorter, more reasonable response timelines to be used before a qualified school may provide or administer certain mental, social-emotional, or psychological health services to a student. ISBA had shared with the bill author and sponsor a list of five amendments that it was seeking to the House-passed version of the bill. Amendment #20 incorporated all of the requested changes on our list. As a result, ISBA testified in support of the amendment while recognizing the bill is a work in progress. We will continue to review the bill and offer additional input, as appropriate.

**SB 2 Virtual Instruction and Tuition Support** (Author: Senator Raatz). This bill provides that, in determining whether at least 50% of the instructional

services that a student receives from a school corporation is virtual instruction for purposes of the 2021 fall count of average daily membership (ADM), the Indiana Department of Education shall review the attendance of each student on each school day from the school corporation's first day of school until the school corporation's last day of school of the 2021 fall semester. This bill ensures that if the student is not a virtual student more than 50% of the semester, the tuition support formula will provide 100% funding for these students. The House Education Committee did adopt an amendment to the bill that adds contents of House Bill 1252 regarding Student Enrichment Grants to be administered by the Indiana Department of Education. Parents would receive up to \$1,000 to address math and reading tutoring for their children from a qualified provider for services outside of the school day. This program would terminate on July 1, 2025. The bill passed out of the House Education Committee last week and was recommitted to the House Ways and Means Committee. That committee passed SB 2 out on Thursday, and it will now go to the floor of the House of Representatives for a second reading next week.

**SB 290 Various Education Matters** (Author: Senator Raatz). As passed by the Senate, this bill: (1) requires the Department of Education to establish a career coaching pilot program and to create a report on high school graduation waiver rates and graduation pathways; (2) allows the State Board of Education to designate another day for determining school enrollment if certain conditions exist; and (3) requires the State Board to assign a “null” or “no letter grade” to a school or school corporation for the 2021-2022 school year. The House Education Committee heard the bill on Wednesday and adopted three amendments that: (1) require the attorney who represents a school board to provide information on the role of the board and the role of the superintendent; (2) require the school board to hold two public meetings on a proposed contract with a superintendent; and (3) limit an increase in the total compensation of the superintendent to the percentage increase for the average total compensation paid to teachers. The bill was referred to the House Ways and Means Committee and is scheduled to be heard on Monday of next week.

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,

A handwritten signature in black ink that reads "Terry Spradlin". The signature is written in a cursive style and is contained within a white rectangular box.

**Terry Spradlin**

**Executive Director**

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