



Dear ISBA Members:

Here is your Week #8 ISBA Legislative Update for the 2022 short session of the Indiana General Assembly. Eight weeks down and just two weeks to go!

ISBA hosted a Live Legislative Update Webinar on Thursday featuring Senator Linda Rogers (R-Senate District 11) who joined me to discuss the amendments on HB 1134 adopted this week by the Senate Education and Career Development Committee. Approximately 150 school board members and superintendents attended the webinar and submitted many excellent questions that I posed to Senator Rogers. ISBA thanks Senator Rogers for being quite gracious with her time and the insights on the changes to the bill. You can view more information about the bill below. If you would like to view a recording of the webinar click [HERE](#) (Passcode: IV^9\$+rg).

### **Bill Tracking List**

You can view the ISBA Bill Tracking List [HERE](#). 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. There was a heavy volume of bill activity this week. Here is what you need to know about many of the most

significant K-12 education bills of the session.

### **Mandatory Public Comment Bills**

[HB 1130](#) **Open Meetings** (Author: Representative O'Brien). This bill remained on the second reading calendar this week in the Senate with no further action. It requires a governing body of a school corporation to allow each member of the public attending a meeting the opportunity to provide oral public comment. The bill in its present form 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."

[SB 83](#) **School Board Meetings** (Author: Senator Leising). This bill was heard in the House Education Committee on Monday and passed as amended by a 10-0 vote. The amendment essentially stripped the bill as originally presented to the Committee and now requires the governing body of a school corporation or the equivalent for a charter school to allow oral public comment regarding an agenda item before or during the governing body's discussion or consideration of an agenda item. The amended bill passed the House on second reading on Thursday this week. It is eligible for third reading on Monday of next week.

### **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. ISBA has opposed this bill throughout the session. **This bill was assigned to the Senate Appropriations Committee, but did not receive a hearing yesterday before the noon deadline for committee reports on bills. Thus, HB 1072 is dead, but the bill's contents will be**

**eligible for amendment into another bill in conference committee since the bill passed in one chamber.** Thank you to all ISBA members who contacted their area legislators to express opposition to this bill.

**[HB 1107](#) Various Education Matters** (Author: Representative Clere). This bill, as amended last week, includes: (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 passed the Senate on second reading on Thursday, with no amendments, and is now eligible for third reading next week.

**[HB 1134](#) Education Matters** (Author: Representative Cook). This bill was amended on Wednesday in the Senate Education and Career Development Committee for a second time in consecutive weeks with Amendment #34. The bill now provides that, if the governing body of a school corporation has not established a curriculum advisory committee (committee), a parent of a student may request the governing body to determine the level of interest in and discuss establishing a committee at the next regularly scheduled meeting of the governing body. Provides that, if a committee has been established, a parent of a student may request that the committee review specific learning material and presentation content of guest speakers. Requires, not later than November 30, 2022, the department of education (department) to prepare and submit to the general assembly a report regarding certain committees established by governing bodies. Provides that, if a school corporation or qualified school uses a third party vendor in providing certain personal analyses, evaluations, or surveys, the third party vendor and the school corporation or qualified school

may not record, collect, or maintain the responses to or results of the analysis, evaluation, or survey in a manner that would identify the responses or results of an individual student without parent consent. Amends a provision regarding good citizenship instruction. Provides that the consent requirements for certain student personal analyses, evaluations, or surveys apply even if the analysis, evaluation, or survey is directly related to academic instruction. Requires, not later than July 1, 2023, each qualified school to use a web based learning management system. Requires a teacher or other employee of a qualified school, upon request, to allow a parent to review any learning material. 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. Requires a parent to meet with a teacher for certain complaints. Requires each school corporation or qualified school to establish a grievance procedure for certain complaints. 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, the parent or student may submit a request to the department to review the complaint and decision. Establishes a notice and consent procedure to be used before a qualified school may provide certain mental, social-emotional, or psychological health services to a student. Requires the department to establish guidance materials regarding certain provisions and post the guidance materials on the department's Internet web site. Urges the legislative council to assign to an appropriate interim study committee the task of studying the following: (1) The provision of services for mental, social-emotional, or psychological health issues in public schools by licensed psychologists, school psychologists, social workers, or other employees of public schools. (2) Parental consent regarding the provision of the services. This bill will be on second reading on Monday in the Senate.

**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 Ways and Means Committee with an amendment to require each school corporation and charter school to annually report to the Indiana Department of Education the number of students who, during the students' expected graduation year: (1) were enrolled in the school corporation on the September ADM count day; (2) completed graduation requirements before the February ADM count day; and (3) were not enrolled in the school corporation on the February ADM count day. Provides for the calculation of an early graduation grant. This bill passed 93-0 on third reading in the House of Representatives on Thursday.

[SB 82](#) **FAFSA** (Author: Senator Leising). This bill was amended by the House Education Committee on Monday this week. The amendment removed the requirement for school officials to have parents of students in grade 12 complete a form acknowledging the benefits of FAFSA (Free Application for Federal Student Aid) and now requires the Commission on Higher Education to develop an online form for parents of an unemancipated student to complete. The Commission must provide information to each school for the school to determine which students have completed the FAFSA and the FAFSA affirmation form. The amended bill passed the House on second reading on Thursday. It is eligible for third reading on Monday of next week.

[SB 290](#) **Various Education Matters** (Author: Senator Raatz). This bill, as amended last week: (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; (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; (4) requires the attorney who represents a school board to provide information on the role of the board and the role of the superintendent; (5) requires the school board to hold two public meetings on a proposed contract with a superintendent; (6) limits an increase in the total compensation of the superintendent to the percentage increase for the average total compensation paid to teachers; and (7) allows classroom doors to be locked against unwanted entry in certain circumstances. The bill passed 82-0 in the House on third reading on Thursday.

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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