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FISCAL IMPACT STATEMENT

LS 6965

BILL NUMBER: HB 1134

NOTE PREPARED: Feb 25, 2022

BILL AMENDED: Feb 24, 2022

SUBJECT: Education Matters.

FIRST AUTHOR: Rep. Cook

FIRST SPONSOR: Sen. Rogers

BILL STATUS: CR Adopted - 2nd House

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) *Advisory Committee:* This bill provides that, if the governing body of a school corporation has not established a Curriculum Advisory 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. It 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. It also requires, not later than November 30, 2022, the Department of Education (DOE) to prepare and submit to the General Assembly a report regarding certain committees established by governing bodies.

Student Analysis, Evaluation, or Survey: This bill 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 consent. It also provides that the consent requirements for certain student personal analysis, evaluations, or surveys apply even if the analysis, evaluation, or survey is directly related to academic instruction.

Good Citizen Instruction: This bill amends a provision regarding Good Citizenship instruction.

Learning Management Systems: This bill requires, not later than July 1, 2023, each qualified school to use a web based learning management system.

Inspection of Learning Materials: This bill requires a teacher or other employee of a qualified school, upon

request, to allow a parent to review any learning material.

Prohibited Concepts: This bill 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.

Complaints: This bill requires requesting to meet with a teacher for certain complaints. It requires each school corporation or qualified school to establish a grievance procedures for certain complaints. It also 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 DOE to review the complaint and decision.

School Mental Health Service: This bill 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. It also requires the DOE to establish guidance materials regarding certain provisions and post the guidance materials on the DOE's Internet web site.

Interim Study Committee: This bill also 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.

Effective Date: (Amended) Upon passage; July 1, 2022.

Explanation of State Expenditures: (Revised) *Department of Education (DOE):* This bill requires the DOE to develop and post guidance materials on their website for school corporations and qualified schools to assist the schools in implementing the various requirements of this bill. The DOE must submit a report to the General Assembly, no later than November 30, 2022, regarding committees established to review the adoption of textbooks and other curricular materials. Also, if a parent files a complaint with a school and is not satisfied with the school's final decision, the parent may then file a request with the DOE to review the complaint and the school's final decision. The DOE must develop and post on their website a grievance review request form for parents to use when requesting the DOE to review their complaint filed against a qualified school. The DOE must review all such requests and issue a final order regarding the complaint.

These requirements are within the routine administrative functions of the DOE and should be able to be implemented with no additional appropriations, assuming near customary agency staffing and resource levels.

(Revised) *Interim Study Committee:* The Legislative Council could assign the topics to an existing interim study committee or establish a new interim study committee to study the topics during the next interim. Interim study committees operate on budgets established by the Legislative Council based on committee size. Legislative Council resolutions in the past have established budgets for interim study committees in the amount of \$13,500 per interim for committees with fewer than 16 members and \$17,500 for committees with 16 members or more. If the Legislative Council were to assign the topics to an existing committee and the committee were to have any extra meetings to address the topics, there would be additional expenditures for legislator per diem and travel reimbursement for the committee members. Any additional expenditures must be within the committee's budget.

Explanation of State Revenues:

Explanation of Local Expenditures: *Summary:* This bill's requirements represent an additional workload [and/or expenditure] on school corporations and qualified schools outside of their routine administrative functions, and existing staffing and resource levels, if currently being used to capacity, may be insufficient for full implementation. The additional funds and resources required could be supplied through existing staff and resources currently being used in another program or with new appropriations. Ultimately, the source of funds and resources required to satisfy the requirements of this bill will depend on legislative and administrative actions.

Additional Information:

(Revised) *Learning Management Systems:* Not later than July 1, 2023, qualified schools must begin using a web based learning management system (LMS) which meets the requirements of this bill. In 2021, approximately 98% of all public school corporations and public charter schools in Indiana had an LMS, with Google Classroom and Canvas being the two most used systems statewide. Any qualified school not using an LMS must acquire and pay for one no later than July 1, 2023. Costs for an LMS vary depending on which provider the school selects, but the typical cost ranges, on average, from \$5 to \$10 per student.

(Revised) *Inspection of Learning Materials:* Qualified schools must make instructional materials available to parents for review upon request. Prior to providing a student with instruction on human sexuality, qualified schools must provide parents with a summary of the instructional content to be used and a written request form to obtain parental consent (school corporations are already required under current law to acquire such consent). If a student is opted out of instruction on human sexuality, the school must provide the student with alternative instruction. Also, the school's governing body must provide students and parents with a notice of their rights regarding instruction on human sexuality.

(Revised) *Complaints:* Each qualified school must establish a grievance procedure for handling complaints filed regarding the requirements of this bill. The procedure and the complaint form used by the school must be posted to the school's website. If a parent of a student at a qualified school has a complaint regarding a violation of the requirements of this bill, the parents may request a meeting with the teacher of the student. If the parent is not satisfied with the meeting, the parent may submit a complaint through the grievance procedure of the school, and the school must investigate the complaint and issue a final decision.

(Revised) *Advisory Committee:* The governing body of a school corporation may establish a Curriculum Advisory Committee, as prescribed in this bill. Any increases in costs or workload to the school resulting from establishing such a committee will depend on local action. If a school does establish a committee, the governing body must review the recommendations from the committee before adopting curricular materials.

(Revised) *Student Analysis, Evaluation, or Survey:* This bill expands the criteria for when a school corporation or qualified school will require the prior written consent from a student's parent before requiring the student to participate in a personal analysis, evaluation, or survey. If a school corporation or qualified school uses a third party vendor to provide a personal analysis, evaluation, or survey, as described in this bill, then the school and the vendor must adhere to the requirements regarding the collection and maintenance of student results.

(Revised) *School Mental Health Service:* Before a provider or employee at a qualified school may provide

a student with certain non-emergency mental, social-emotional, or psychological health services, the school must make two attempts to contact the student's parent to provide the parent with the required information and a parental consent form for the provision of services. The provider or school employee may provide the service to the student if the parent consents or if the parent does not respond to the second attempt to obtain consent within the allowed amount of time.

(Revised) *Good Citizenship Instruction*: School corporations and charter schools must ensure their curriculum for "Good Citizen Instruction" meets the requirements of this bill. Any school not meeting these new requirements will need to update their curriculum to be in compliance.

(Revised) *Prohibited Concepts*: School corporations and qualified schools may not promote any of this bill's three prohibited concepts in their course instruction, curriculum, classroom assignments, instructional programs, orientations, interventions, or counseling. Nor can these schools execute a contract or use money, assets, or resources for a purpose that promotes the practices prohibited in this bill.

(Revised) *Applicability*: The Muncie Community School Corporation must adhere to this bill's requirements regarding: personal analyses, evaluations, and surveys; learning management systems; and the prohibited concepts.

Explanation of Local Revenues: (Revised) *Prohibited Concepts*: School corporations and qualified schools may not receive or apply to receive money that requires, as a condition of receipt of the money, the adoption of a course, policy, curriculum, or any other instructional material that promotes the practices prohibited in this bill.

State Agencies Affected: Department of Education; Indiana School for the Blind and Visually Impaired; Indiana School for the Deaf; Laboratory schools.

Local Agencies Affected: School corporations; Charter schools.

Information Sources: Department of Education.

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