



February 1, 2019

HOUSE BILL No. 1400

DIGEST OF HB 1400 (Updated January 30, 2019 11:52 am - DI 116)

Citations Affected: IC 20-19.

Synopsis: Education mandates. Urges the legislative council to assign to the interim study committee on education during the 2019 through 2022 interims: (1) the study of how to eliminate, reduce, or streamline the number of education mandates placed on schools; and (2) the review of certain provisions relating to professional development, development of policies, reporting requirements, and curriculum requirements of schools.

Effective: Upon passage.

Cook, Behning, Smith V, Clere

January 14, 2019, read first time and referred to Committee on Education.
January 31, 2019, amended, reported — Do Pass.

HB 1400—LS 6880/DI 116



February 1, 2019

First Regular Session of the 121st General Assembly (2019)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2018 Regular and Special Session of the General Assembly.

HOUSE BILL No. 1400

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 20-19-8 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON
3 PASSAGE]:

4 **Chapter 8. School Deregulation**

5 **Sec. 1. As used in this chapter, "education mandate" means a**
6 **requirement of an educational entity included in the Indiana Code**
7 **or an administrative rule. The term includes all:**

- 8 (1) **training requirements;**
9 (2) **professional development requirements;**
10 (3) **state board or department:**
11 (A) **policies;**
12 (B) **procedures;**
13 (C) **data reporting requirements; and**
14 (D) **survey requirements.**

15 **Sec. 2. As used in this chapter, "study committee" refers to the**
16 **interim study committee on education established by IC 2-5-1.3-4.**

17 **Sec. 3. (a) The legislative council is urged to assign to the study**

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1 committee during the 2019, 2020, 2021, and 2022 interims the study
2 of the following:

3 (1) How to eliminate, reduce, or streamline the number of
4 education mandates placed on schools.

5 (2) During the 2019 interim, the following:

6 (A) The following provisions:

7 IC 5-2-10.1-11 (school safety specialist).

8 IC 5-11-1-27 (local government internal control
9 standards).

10 IC 20-20-40-13 (restraint and seclusion; notice
11 requirement; training; elements of the restraint and
12 seclusion plan).

13 IC 20-26-5-34.2 (bullying prevention; training for
14 employees and volunteers).

15 IC 20-26-13 (graduation rate determination).

16 IC 20-26-16-4 (school corporation police officer
17 minimum training requirements).

18 IC 20-26-18 (criminal gang measures).

19 IC 20-26-18.2 (school resource officers).

20 IC 20-28-3-4.5 (training on child abuse and neglect).

21 IC 20-28-3-6 (youth suicide awareness and prevention
22 training).

23 IC 20-28-3-7 (training on human trafficking).

24 IC 20-28-5-3(c) (cardiopulmonary resuscitation
25 training).

26 IC 20-34-7 (student athletes: concussions and head
27 injuries).

28 (B) The relation, if applicable, of any requirements under
29 provisions listed in clause (A) with the following federal
30 provisions, and whether any of the requirements under
31 provisions listed in clause (A) or other state law can be
32 streamlined with the federal provisions to alleviate
33 administrative burdens for schools:

34 29 CFR 1910.1030 (bloodborne pathogens).

35 29 CFR 1910.147 (lock out/tag out).

36 (3) During the 2020 interim, the following:

37 (A) The following provisions:

38 IC 5-11-1-27 (local government internal control
39 standards).

40 IC 5-22-8-2 (purchases below fifty thousand dollars
41 (\$50,000)).

42 IC 20-26-3-5 (constitutional or statutory exercise of



1 powers; written policy).
 2 IC 20-26-5-1 (power and purpose to conduct various
 3 education programs).
 4 IC 20-26-5-10 (adoption of criminal history background
 5 and child protection index check policy; implementation
 6 of policy).
 7 IC 20-26-5-34.4 (child suicide awareness and
 8 prevention).
 9 IC 20-33-2-14 (compulsory attendance; school
 10 corporation policy; exceptions; service as page or
 11 honoree of general assembly).
 12 IC 20-33-8-12 (adoption of discipline rules; publicity
 13 requirement; discipline policy regulations and
 14 guidelines; delegation of authority; rulemaking powers
 15 of governing body).
 16 IC 20-33-8-13.5 (discipline rules prohibiting bullying
 17 required).
 18 IC 20-33-8-32 (locker searches).
 19 IC 20-43-10-3.5 (teacher appreciation grants).
 20 410 IAC 33-4-3 (vehicles idling).
 21 410 IAC 33-4-7 (policy for animals in the classroom).
 22 410 IAC 33-4-8 (policy to minimize student exposure to
 23 chemicals).
 24 511 IAC 6-10-4 (postsecondary enrollment program
 25 local policies).
 26 511 IAC 6.1-5-9 (required homework policy).
 27 511 IAC 6.1-5-10 (policy prohibiting retaining students
 28 for athletic purposes).
 29 511 IAC 7-36-9 (medication administration).
 30 511 IAC 7-42-10 (least restrictive environment and
 31 delivery of special education and related services).
 32 (B) The relation, if applicable, of any requirements under
 33 provisions listed in clause (A) with the following federal
 34 provisions, and whether any of the requirements under
 35 provisions listed in clause (A) or any other state law can be
 36 streamlined with the federal provisions to alleviate
 37 administrative burdens for schools:
 38 20 U.S.C. 1232h(c) and 34 CFR 98.3 (parental access to
 39 instructional materials).
 40 20 U.S.C. 6318(a)(2) (parent and family engagement).
 41 20 U.S.C. 7961(h)(1) (Gun-Free Schools Act).
 42 41 U.S.C. 8103 and 34 CFR 84 (drug-free workplace).



- 1 42 U.S.C. 1751 through 42 U.S.C. 1769 (school lunch).
 2 7 CFR 210.31 (local school wellness policy).
 3 **(4) During the 2021 interim, the following:**
 4 **(A) The following provisions:**
 5 IC 5-3-1-3(b) through IC 5-3-1-3(e) and IC 5-3-1-3(g)
 6 (publication of annual financial report).
 7 IC 20-18-2-2.7 (definition of "curricular material").
 8 IC 20-19-2-8 (adoption of administrative rules by the
 9 state board).
 10 IC 20-19-2-16 (federal aid concerning children with
 11 disabilities).
 12 IC 20-19-3-9.4 (disclosure of student test number
 13 information).
 14 IC 20-20-8-8 (school corporation annual performance
 15 report).
 16 IC 20-20-33 (alternative education program grants).
 17 IC 20-26-13 (graduation rate determination).
 18 IC 20-28-5-1 (department's responsibility for licensing
 19 teachers).
 20 IC 20-28-11.5-9 (staff performance evaluation
 21 reporting).
 22 IC 20-29-2-4 (definition of "certificated employee").
 23 IC 20-30-8 (alternative program for certain students).
 24 IC 20-33-2-3.2 (definition of "attend").
 25 IC 20-33-5-7 (public schools; curricular material
 26 assistance; state reimbursement).
 27 IC 20-34-6 (student safety reporting).
 28 IC 20-35-5-2 (formation of special education
 29 cooperative).
 30 IC 20-36 (high ability students).
 31 IC 20-43-1-3 (definition of "honors designation award").
 32 IC 20-43-4-2 (determination of ADM).
 33 IC 20-43-10-3 (determination of annual performance
 34 grant).
 35 IC 21-12-10 (eligibility for Mitch Daniels early
 36 graduation scholarship).
 37 511 IAC 6-9.1 (waiver of curriculum and graduation
 38 rules for high ability students).
 39 511 IAC 6.2-3.1 (reading plan).
 40 511 IAC 7-46-4 (child count data collection).
 41 511 IAC 10-6-4(a)(1) (staff evaluation measures).
 42 511 IAC 16-2-7 (creditable experience for licensing).



- 1 **(B) The relation, if applicable, of any requirements under**
 2 **provisions listed in clause (A) with the following federal**
 3 **provisions and whether any of the requirements under**
 4 **provisions listed in clause (A) or other state law can be**
 5 **streamlined with the federal provisions to alleviate**
 6 **administrative burdens for schools:**
 7 **20 U.S.C. 3413(c)(1) (civil rights data collection).**
 8 **Individuals with Disabilities Education Act (IDEA),**
 9 **Section 618 Part C (child count reporting requirements).**
 10 **Elementary and Secondary Education Act of 1965**
 11 **(ESEA), Section 8303, as amended by the Every Student**
 12 **Succeeds Act (ESSA) (consolidated reporting).**
 13 **34 CFR 300.601 (state performance plans and data**
 14 **collection).**
 15 **(5) During the 2022 interim, the following provisions:**
 16 **IC 20-30-5-0.5 (display of United States flag; Pledge of**
 17 **Allegiance).**
 18 **IC 20-30-5-1 (constitutions).**
 19 **IC 20-30-5-2 (constitutions; interdisciplinary course).**
 20 **IC 20-30-5-4 (system of government; American history).**
 21 **IC 20-30-5-4.5 (moment of silence).**
 22 **IC 20-30-5-5 (morals instruction).**
 23 **IC 20-30-5-5.5 (instruction on bullying prevention).**
 24 **IC 20-30-5-5.7 (child abuse and child sexual abuse).**
 25 **IC 20-30-5-6 (good citizenship instruction).**
 26 **IC 20-30-5-7 (required curriculum).**
 27 **IC 20-30-5-8 (safety instruction).**
 28 **IC 20-30-5-9 (hygiene instruction).**
 29 **IC 20-30-5-10 (disease instruction).**
 30 **IC 20-30-5-11 (drug education).**
 31 **IC 20-30-5-12 (AIDS education).**
 32 **IC 20-30-5-13 (human sexuality and sexually transmitted**
 33 **diseases instructional requirements).**
 34 **IC 20-30-5-14 (career awareness and development).**
 35 **IC 20-30-5-15 (breast cancer and testicular cancer**
 36 **education).**
 37 **IC 20-30-5-16 (human organ and blood donor program**
 38 **education).**
 39 **IC 20-30-5-17 (access to materials; consent for**
 40 **participation).**
 41 **IC 20-30-5-18 (meningitis information).**
 42 **IC 20-30-5-19 (personal financial responsibility**



1 instruction).
2 IC 20-30-5-20 (instruction in cardiopulmonary
3 resuscitation).
4 IC 20-30-5-22 (Indiana studies).
5 IC 20-30-5-23 (computer studies).
6 (b) The study committee shall include in its annual report for
7 each interim the study committee's recommendations, including
8 any recommendations to the general assembly as to whether a
9 provision described in subsection (a)(2)(A), (a)(3)(A), (a)(4)(A), or
10 (a)(5) should repealed or whether the provision may be improved
11 to lessen the administrative burden placed on schools.
12 (c) This chapter expires January 1, 2023.
13 SECTION 2. An emergency is declared for this act.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1400, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.

Delete pages 2 through 8.

Page 9, delete lines 1 through 12.

Page 9, line 17, delete "Sec" and insert "Sec."

Page 9, delete lines 29 through 42, begin a new paragraph and insert:

"Sec. 3. (a) The legislative council is urged to assign to the study committee during the 2019, 2020, 2021, and 2022 interims the study of the following:

(1) How to eliminate, reduce, or streamline the number of education mandates placed on schools.

(2) During the 2019 interim, the following:

(A) The following provisions:

IC 5-2-10.1-11 (school safety specialist).

IC 5-11-1-27 (local government internal control standards).

IC 20-20-40-13 (restraint and seclusion; notice requirement; training; elements of the restraint and seclusion plan).

IC 20-26-5-34.2 (bullying prevention; training for employees and volunteers).

IC 20-26-13 (graduation rate determination).

IC 20-26-16-4 (school corporation police officer minimum training requirements).

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IC 20-34-7 (student athletes: concussions and head injuries).

(B) The relation, if applicable, of any requirements under provisions listed in clause (A) with the following federal provisions, and whether any of the requirements under



provisions listed in clause (A) or other state law can be streamlined with the federal provisions to alleviate administrative burdens for schools:

29 CFR 1910.1030 (bloodborne pathogens).

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(A) The following provisions:

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IC 20-26-3-5 (constitutional or statutory exercise of powers; written policy).

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IC 20-26-5-10 (adoption of criminal history background and child protection index check policy; implementation of policy).

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20 U.S.C. 6318(a)(2) (parent and family engagement).

20 U.S.C. 7961(h)(1) (Gun-Free Schools Act).

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42 U.S.C. 1751 through 42 U.S.C. 1769 (school lunch).

7 CFR 210.31 (local school wellness policy).

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(A) The following provisions:

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IC 20-19-2-16 (federal aid concerning children with disabilities).

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IC 20-43-1-3 (definition of "honors designation award").

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(B) The relation, if applicable, of any requirements under provisions listed in clause (A) with the following federal provisions and whether any of the requirements under provisions listed in clause (A) or other state law can be streamlined with the federal provisions to alleviate administrative burdens for schools:

20 U.S.C. 3413(c)(1) (civil rights data collection).

Individuals with Disabilities Education Act (IDEA), Section 618 Part C (child count reporting requirements).

Elementary and Secondary Education Act of 1965 (ESEA), Section 8303, as amended by the Every Student Succeeds Act (ESSA) (consolidated reporting).

34 CFR 300.601 (state performance plans and data collection).

(5) During the 2022 interim, the following provisions:

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IC 20-30-5-2 (constitutions; interdisciplinary course).

IC 20-30-5-4 (system of government; American history).

IC 20-30-5-4.5 (moment of silence).

IC 20-30-5-5 (morals instruction).

IC 20-30-5-5.5 (instruction on bullying prevention).

IC 20-30-5-5.7 (child abuse and child sexual abuse).

IC 20-30-5-6 (good citizenship instruction).

IC 20-30-5-7 (required curriculum).

IC 20-30-5-8 (safety instruction).

IC 20-30-5-9 (hygiene instruction).

IC 20-30-5-10 (disease instruction).

IC 20-30-5-11 (drug education).



IC 20-30-5-12 (AIDS education).

IC 20-30-5-13 (human sexuality and sexually transmitted diseases instructional requirements).

IC 20-30-5-14 (career awareness and development).

IC 20-30-5-15 (breast cancer and testicular cancer education).

IC 20-30-5-16 (human organ and blood donor program education).

IC 20-30-5-17 (access to materials; consent for participation).

IC 20-30-5-18 (meningitis information).

IC 20-30-5-19 (personal financial responsibility instruction).

IC 20-30-5-20 (instruction in cardiopulmonary resuscitation).

IC 20-30-5-22 (Indiana studies).

IC 20-30-5-23 (computer studies).

(b) The study committee shall include in its annual report for each interim the study committee's recommendations, including any recommendations to the general assembly as to whether a provision described in subsection (a)(2)(A), (a)(3)(A), (a)(4)(A), or (a)(5) should be repealed or whether the provision may be improved to lessen the administrative burden placed on schools.

(c) This chapter expires January 1, 2023."

Delete pages 10 through 30.

Page 31, delete lines 1 through 27.

Renumber all SECTIONS consecutively,

and when so amended that said bill do pass.

(Reference is to HB 1400 as introduced.)

BEHNING

Committee Vote: yeas 11, nays 0.

