



April 5, 2019

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# ENGROSSED HOUSE BILL No. 1400

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DIGEST OF HB 1400 (Updated April 3, 2019 7:29 pm - DI 110)

**Citations Affected:** IC 20-19; noncode.

**Synopsis:** Education studies. 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. Urges the legislative council to assign to the interim study committee on education the task of studying in the 2019 interim the cost and benefits of virtual schools in relation to public school corporations and public school students.

**Effective:** Upon passage.

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## Cook, Behning, Smith V, Clere

(SENATE SPONSORS — SPARTZ, RAATZ, RANDOLPH LONNIE M,  
KRUSE)

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January 14, 2019, read first time and referred to Committee on Education.  
January 31, 2019, amended, reported — Do Pass.  
February 4, 2019, read second time, amended, ordered engrossed.  
February 5, 2019, engrossed. Read third time, passed. Yeas 94, nays 0.

SENATE ACTION

February 27, 2019, read first time and referred to Committee on Education and Career Development.  
April 4, 2019, amended, reported favorably — Do Pass.

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EH 1400—LS 6880/DI 116





April 5, 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.

## ENGROSSED HOUSE BILL No. 1400

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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; and  
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**

EH 1400—LS 6880/DI 116



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 20-30-8 (alternative program for certain students).  
 23           IC 20-33-2-3.2 (definition of "attend").  
 24           IC 20-33-5-7 (public schools; curricular material  
 25           assistance; state reimbursement).  
 26           IC 20-34-6 (student safety reporting).  
 27           IC 20-35-5-2 (formation of special education  
 28           cooperative).  
 29           IC 20-36 (high ability students).  
 30           IC 20-43-1-3 (definition of "honors designation award").  
 31           IC 20-43-4-2 (determination of ADM).  
 32           IC 20-43-10-3 (determination of annual performance  
 33           grant).  
 34           IC 21-12-10 (eligibility for Mitch Daniels early  
 35           graduation scholarship).  
 36           511 IAC 6-9.1 (waiver of curriculum and graduation  
 37           rules for high ability students).  
 38           511 IAC 6.2-3.1 (reading plan).  
 39           511 IAC 7-46-4 (child count data collection).  
 40           511 IAC 10-6-4(a)(1) (staff evaluation measures).  
 41           511 IAC 16-2-7 (creditable experience for licensing).  
 42           **(B) The relation, if applicable, of any requirements under**



1 provisions listed in clause (A) with the following federal  
 2 provisions and whether any of the requirements under  
 3 provisions listed in clause (A) or other state law can be  
 4 streamlined with the federal provisions to alleviate  
 5 administrative burdens for schools:

6 20 U.S.C. 3413(c)(1) (civil rights data collection).

7 Individuals with Disabilities Education Act (IDEA),  
 8 Section 618 Part C (child count reporting requirements).  
 9 Elementary and Secondary Education Act of 1965  
 10 (ESEA), Section 8303, as amended by the Every Student  
 11 Succeeds Act (ESSA) (consolidated reporting).

12 34 CFR 300.601 (state performance plans and data  
 13 collection).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

38 (b) The study committee shall include in its annual report for  
 39 each interim the study committee's recommendations, including  
 40 any recommendations to the general assembly as to whether a  
 41 provision described in subsection (a)(2)(A), (a)(3)(A), (a)(4)(A), or  
 42 (a)(5) should be repealed or whether the provision may be improved



1 to lessen the administrative burden placed on schools.  
2 (c) This chapter expires January 1, 2023.  
3 SECTION 2. [EFFECTIVE UPON PASSAGE] (a) The legislative  
4 council is urged to assign to the interim study committee on  
5 education the task of studying in the 2019 interim the cost and  
6 benefits of virtual schools in relation to public school corporations  
7 and public school students.  
8 (b) This SECTION expires January 1, 2020.  
9 SECTION 3. 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).**

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

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

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

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

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

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

**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).

29 CFR 1910.147 (lock out/tag out).

(3) During the 2020 interim, the following:

(A) The following provisions:

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

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

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

IC 20-26-5-1 (power and purpose to conduct various education programs).

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

IC 20-26-5-34.4 (child suicide awareness and prevention).

IC 20-33-2-14 (compulsory attendance; school corporation policy; exceptions; service as page or honoree of general assembly).

IC 20-33-8-12 (adoption of discipline rules; publicity requirement; discipline policy regulations and guidelines; delegation of authority; rulemaking powers of governing body).

IC 20-33-8-13.5 (discipline rules prohibiting bullying required).

IC 20-33-8-32 (locker searches).

IC 20-43-10-3.5 (teacher appreciation grants).

410 IAC 33-4-3 (vehicles idling).

410 IAC 33-4-7 (policy for animals in the classroom).

410 IAC 33-4-8 (policy to minimize student exposure to chemicals).

511 IAC 6-10-4 (postsecondary enrollment program local policies).

511 IAC 6.1-5-9 (required homework policy).

511 IAC 6.1-5-10 (policy prohibiting retaining students for athletic purposes).

511 IAC 7-36-9 (medication administration).

511 IAC 7-42-10 (least restrictive environment and



delivery of special education and related services).

(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 any other state law can be streamlined with the federal provisions to alleviate administrative burdens for schools:

20 U.S.C. 1232h(c) and 34 CFR 98.3 (parental access to instructional materials).

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

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

41 U.S.C. 8103 and 34 CFR 84 (drug-free workplace).

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

7 CFR 210.31 (local school wellness policy).

(4) During the 2021 interim, the following:

(A) The following provisions:

IC 5-3-1-3(b) through IC 5-3-1-3(e) and IC 5-3-1-3(g) (publication of annual financial report).

IC 20-18-2-2.7 (definition of "curricular material").

IC 20-19-2-8 (adoption of administrative rules by the state board).

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

IC 20-19-3-9.4 (disclosure of student test number information).

IC 20-20-8-8 (school corporation annual performance report).

IC 20-20-33 (alternative education program grants).

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

IC 20-28-5-1 (department's responsibility for licensing teachers).

IC 20-28-11.5-9 (staff performance evaluation reporting).

IC 20-29-2-4 (definition of "certificated employee").

IC 20-30-8 (alternative program for certain students).

IC 20-33-2-3.2 (definition of "attend").

IC 20-33-5-7 (public schools; curricular material assistance; state reimbursement).

IC 20-34-6 (student safety reporting).

IC 20-35-5-2 (formation of special education cooperative).

IC 20-36 (high ability students).



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

**IC 20-43-4-2 (determination of ADM).**

**IC 20-43-10-3 (determination of annual performance grant).**

**IC 21-12-10 (eligibility for Mitch Daniels early graduation scholarship).**

**511 IAC 6-9.1 (waiver of curriculum and graduation rules for high ability students).**

**511 IAC 6.2-3.1 (reading plan).**

**511 IAC 7-46-4 (child count data collection).**

**511 IAC 10-6-4(a)(1) (staff evaluation measures).**

**511 IAC 16-2-7 (creditable experience for licensing).**

**(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:**

**IC 20-30-5-0.5 (display of United States flag; Pledge of Allegiance).**

**IC 20-30-5-1 (constitutions).**

**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.



HOUSE MOTION

Mr. Speaker: I move that House Bill 1400 be amended to read as follows:

Page 4, delete line 22.

(Reference is to HB 1400 as printed February 1, 2019.)

DELANEY

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1400 be amended to read as follows:

Page 6, between lines 12 and 13, begin a new paragraph and insert:

**"SECTION 2. [EFFECTIVE UPON PASSAGE] (a) The legislative council is urged to assign to the interim study committee on education the task of studying in the 2019 interim the cost and benefits of virtual schools in relation to public school corporations and public school students.**

**(b) This SECTION expires January 1, 2020."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1400 as printed February 1, 2019.)

DELANEY

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COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred House Bill No. 1400, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 9, after "requirements;" insert **"and"**.

Page 5, delete lines 15 through 21.



Page 5, delete line 24.

Page 6, delete line 3.

and when so amended that said bill do pass.

(Reference is to HB 1400 as reprinted February 5, 2019.)

RAATZ, Chairperson

Committee Vote: Yeas 8, Nays 1.

