

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 ENROLLED ACT No. 1400

AN ACT to amend the Indiana Code concerning education.

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

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

Chapter 8. School Deregulation

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

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

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

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 do the following:**
 - (A) Eliminate, reduce, or streamline the number of education mandates placed on schools.**

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(B) Streamline fiscal and compliance reporting to the general assembly on a sustainable and systematic basis.

(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 20-19-6.2 (Indiana family friendly school designation program).

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 20-30-8 (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 20-30-5-5.5 (instruction on bullying prevention).

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

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 20-30-5-23 (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.

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.

SECTION 3. **An emergency is declared for this act.**



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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