

# HOUSE BILL No. 1629

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 5-14-3-2; IC 20-18-2-4; IC 20-25-4-17; IC 20-30-14-1; IC 20-31-8-3; IC 20-32-4-15; IC 20-37-2-1; IC 20-51-1-4.7; IC 21-16; IC 34-13-3.5.

**Synopsis:** Various education matters. Provides that, for purposes of the Indiana open door law, the term "public record" does not include internal electronic communications between staff members of a school corporation or charter school. Makes changes to the definition of "elementary school". Provides that each school corporation may encourage the development of a community service ethic among high school students in grades 9 through 12. (Current law provides that each school corporation may encourage the development of a community service ethic among high school students in grade 11 or 12.) Provides that the governing body of a school corporation that operates a career or technical education center must admit students who attend a charter school or state accredited nonpublic school if the charter school, state accredited nonpublic school, or student provides the governing body tuition for the student, which may not be greater than the per capita cost of operating the system of industrial or manual training. Requires the state board of education, beginning with the cohort of students that is expected to graduate in the 2022-2023 school year (2022-2023 cohort), to include certain student outcome information as a component of the statewide school accountability system. Requires each student in the 2022-2023 cohort to: (1) enroll in and successfully complete at least one career and technical education course; and (2) complete and file the Free Application for Federal Student Aid; before the student may graduate from high school. Makes changes to the definition of "eligible school" for purposes of administering the choice scholarship. Beginning with the 2022-2023 cohort, expands the EARN Indiana program to include secondary school students. Provides that an attorney  
(Continued next page)

**Effective:** July 1, 2019.

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January 24, 2019, read first time and referred to Committee on Education.

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or other advocate for an individual or entity that initiates a lawsuit or administrative proceeding against a public school or a nonpublic school that has at least one employee is prohibited from representing the individual or entity without first disclosing in writing to the: (1) attorney or advocate's client; and (2) court; any conflicts of interest the attorney or advocate has in representing the individual or entity. Provides that if: (1) a public school makes a written offer to an individual or entity to resolve a dispute in accordance with the claims against public schools provisions; (2) the individual or entity rejects the written offer; and (3) the final judgment or relief obtained by the individual or entity in an action or administrative proceeding is not more favorable than the written offer; the court, administrative law judge, or hearing officer shall, upon request by the public school, award attorney's fees, court costs, and other reasonable expenses of litigation to the public school. Provides that, if an individual or entity initiates an administrative proceeding against a public school that results in the administrative proceeding being heard by an administrative law judge or a hearing officer, the fees due to the administrative law judge or hearing officer shall be split equally between the parties to the administrative proceeding.



Introduced

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. 1629

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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 5-14-3-2, AS AMENDED BY P.L.85-2017,  
2 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2019]: Sec. 2. (a) The definitions set forth in this section apply  
4 throughout this chapter.  
5 (b) "Copy" includes transcribing by handwriting, photocopying,  
6 xerography, duplicating machine, duplicating electronically stored data  
7 onto a disk, tape, drum, or any other medium of electronic data storage,  
8 and reproducing by any other means.  
9 (c) "Criminal intelligence information" means data that has been  
10 evaluated to determine that the data is relevant to:  
11 (1) the identification of; and  
12 (2) the criminal activity engaged in by;  
13 an individual who or organization that is reasonably suspected of  
14 involvement in criminal activity.  
15 (d) "Direct cost" means one hundred five percent (105%) of the sum



- 1 of the cost of:
- 2 (1) the initial development of a program, if any;
- 3 (2) the labor required to retrieve electronically stored data; and
- 4 (3) any medium used for electronic output;
- 5 for providing a duplicate of electronically stored data onto a disk, tape,
- 6 drum, or other medium of electronic data retrieval under section 8(g)
- 7 of this chapter, or for reprogramming a computer system under section
- 8 6(c) of this chapter.
- 9 (e) "Electronic map" means copyrighted data provided by a public
- 10 agency from an electronic geographic information system.
- 11 (f) "Enhanced access" means the inspection of a public record by a
- 12 person other than a governmental entity and that:
- 13 (1) is by means of an electronic device other than an electronic
- 14 device provided by a public agency in the office of the public
- 15 agency; or
- 16 (2) requires the compilation or creation of a list or report that does
- 17 not result in the permanent electronic storage of the information.
- 18 (g) "Facsimile machine" means a machine that electronically
- 19 transmits exact images through connection with a telephone network.
- 20 (h) "Inspect" includes the right to do the following:
- 21 (1) Manually transcribe and make notes, abstracts, or memoranda.
- 22 (2) In the case of tape recordings or other aural public records, to
- 23 listen and manually transcribe or duplicate, or make notes,
- 24 abstracts, or other memoranda from them.
- 25 (3) In the case of public records available:
- 26 (A) by enhanced access under section 3.5 of this chapter; or
- 27 (B) to a governmental entity under section 3(c)(2) of this
- 28 chapter;
- 29 to examine and copy the public records by use of an electronic
- 30 device.
- 31 (4) In the case of electronically stored data, to manually transcribe
- 32 and make notes, abstracts, or memoranda or to duplicate the data
- 33 onto a disk, tape, drum, or any other medium of electronic
- 34 storage.
- 35 (i) "Investigatory record" means information compiled in the course
- 36 of the investigation of a crime.
- 37 (j) "Law enforcement activity" means:
- 38 (1) a traffic stop;
- 39 (2) a pedestrian stop;
- 40 (3) an arrest;
- 41 (4) a search;
- 42 (5) an investigation;



- 1 (6) a pursuit;  
 2 (7) crowd control;  
 3 (8) traffic control; or  
 4 (9) any other instance in which a law enforcement officer is  
 5 enforcing the law.
- 6 The term does not include an administrative activity, including the  
 7 completion of paperwork related to a law enforcement activity, or a  
 8 custodial interrogation conducted in a place of detention as described  
 9 in Indiana Evidence Rule 617, regardless of the ultimate admissibility  
 10 of a statement made during the custodial interrogation.
- 11 (k) "Law enforcement recording" means an audio, visual, or  
 12 audiovisual recording of a law enforcement activity captured by a  
 13 camera or other device that is:  
 14 (1) provided to or used by a law enforcement officer in the scope  
 15 of the officer's duties; and  
 16 (2) designed to be worn by a law enforcement officer or attached  
 17 to the vehicle or transportation of a law enforcement officer.
- 18 (l) "Offender" means a person confined in a penal institution as the  
 19 result of the conviction for a crime.
- 20 (m) "Patient" has the meaning set out in IC 16-18-2-272(d).
- 21 (n) "Person" means an individual, a corporation, a limited liability  
 22 company, a partnership, an unincorporated association, or a  
 23 governmental entity.
- 24 (o) "Private university police department" means the police officers  
 25 appointed by the governing board of a private university under  
 26 IC 21-17-5.
- 27 (p) "Provider" has the meaning set out in IC 16-18-2-295(b) and  
 28 includes employees of the state department of health or local boards of  
 29 health who create patient records at the request of another provider or  
 30 who are social workers and create records concerning the family  
 31 background of children who may need assistance.
- 32 (q) "Public agency", except as provided in section 2.1 of this  
 33 chapter, means the following:  
 34 (1) Any board, commission, department, division, bureau,  
 35 committee, agency, office, instrumentality, or authority, by  
 36 whatever name designated, exercising any part of the executive,  
 37 administrative, judicial, or legislative power of the state.  
 38 (2) Any:  
 39 (A) county, township, school corporation, city, or town, or any  
 40 board, commission, department, division, bureau, committee,  
 41 office, instrumentality, or authority of any county, township,  
 42 school corporation, city, or town;



- 1 (B) political subdivision (as defined by IC 36-1-2-13); or  
 2 (C) other entity, or any office thereof, by whatever name  
 3 designated, exercising in a limited geographical area the  
 4 executive, administrative, judicial, or legislative power of the  
 5 state or a delegated local governmental power.
- 6 (3) Any entity or office that is subject to:  
 7 (A) budget review by either the department of local  
 8 government finance or the governing body of a county, city,  
 9 town, township, or school corporation; or  
 10 (B) an audit by the state board of accounts that is required by  
 11 statute, rule, or regulation.
- 12 (4) Any building corporation of a political subdivision that issues  
 13 bonds for the purpose of constructing public facilities.
- 14 (5) Any advisory commission, committee, or body created by  
 15 statute, ordinance, or executive order to advise the governing  
 16 body of a public agency, except medical staffs or the committees  
 17 of any such staff.
- 18 (6) Any law enforcement agency, which means an agency or a  
 19 department of any level of government that engages in the  
 20 investigation, apprehension, arrest, or prosecution of alleged  
 21 criminal offenders, such as the state police department, the police  
 22 or sheriff's department of a political subdivision, prosecuting  
 23 attorneys, members of the excise police division of the alcohol  
 24 and tobacco commission, conservation officers of the department  
 25 of natural resources, gaming agents of the Indiana gaming  
 26 commission, gaming control officers of the Indiana gaming  
 27 commission, and the security division of the state lottery  
 28 commission.
- 29 (7) Any license branch operated under IC 9-14.1.
- 30 (8) The state lottery commission established by IC 4-30-3-1,  
 31 including any department, division, or office of the commission.
- 32 (9) The Indiana gaming commission established under IC 4-33,  
 33 including any department, division, or office of the commission.
- 34 (10) The Indiana horse racing commission established by IC 4-31,  
 35 including any department, division, or office of the commission.
- 36 (11) A private university police department. The term does not  
 37 include the governing board of a private university or any other  
 38 department, division, board, entity, or office of a private  
 39 university.
- 40 (r) "Public record" means any writing, paper, report, study, map,  
 41 photograph, book, card, tape recording, or other material that is  
 42 created, received, retained, maintained, or filed by or with a public



1 agency and which is generated on paper, paper substitutes,  
 2 photographic media, chemically based media, magnetic or machine  
 3 readable media, electronically stored data, or any other material,  
 4 regardless of form or characteristics. **The term does not include**  
 5 **internal electronic communications between staff members of a**  
 6 **school corporation or charter school.**

7 (s) "Standard-sized documents" includes all documents that can be  
 8 mechanically reproduced (without mechanical reduction) on paper  
 9 sized eight and one-half (8 1/2) inches by eleven (11) inches or eight  
 10 and one-half (8 1/2) inches by fourteen (14) inches.

11 (t) "Trade secret" has the meaning set forth in IC 24-2-3-2.

12 (u) "Work product of an attorney" means information compiled by  
 13 an attorney in reasonable anticipation of litigation. The term includes  
 14 the attorney's:

- 15 (1) notes and statements taken during interviews of prospective
- 16 witnesses; and
- 17 (2) legal research or records, correspondence, reports, or
- 18 memoranda to the extent that each contains the attorney's
- 19 opinions, theories, or conclusions.

20 This definition does not restrict the application of any exception under  
 21 section 4 of this chapter.

22 SECTION 2. IC 20-18-2-4, AS ADDED BY P.L.1-2005,  
 23 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 24 JULY 1, 2019]: Sec. 4. "Elementary school" means any ~~combination of~~  
 25 ~~kindergarten and grades 1, 2, 3, 4, 5, 6, 7, or 8:~~ **school that provides**  
 26 **instruction for any of the following:**

- 27 **(1) Kindergarten.**
- 28 **(2) Grade 1.**
- 29 **(3) Grade 2.**
- 30 **(4) Grade 3.**
- 31 **(5) Grade 4.**
- 32 **(6) Grade 5.**
- 33 **(7) Grade 6.**
- 34 **(8) Grade 7.**
- 35 **(9) Grade 8.**

36 SECTION 3. IC 20-25-4-17, AS AMENDED BY P.L.234-2007,  
 37 SECTION 102, IS AMENDED TO READ AS FOLLOWS  
 38 [EFFECTIVE JULY 1, 2019]: Sec. 17. (a) If a school city acquires title  
 39 to or possession of real estate, buildings, and personal property in the  
 40 school city by gift or donation, and the real estate, building, or personal  
 41 property was used as an industrial or trade school for the education of  
 42 youths in the trades of:



- 1 (1) printing;  
 2 (2) lithography;  
 3 (3) machine making;  
 4 (4) molding;  
 5 (5) typesetting;  
 6 (6) bricklaying;  
 7 (7) tile setting;  
 8 (8) pattern making;  
 9 (9) pharmacy; or  
 10 (10) other trades or occupations;  
 11 the board may, by the use of the board's school funds, maintain and  
 12 operate the industrial or trade school or schools.  
 13 (b) If real estate, a building, or personal property is acquired by the  
 14 school city under subsection (a), the board shall:  
 15 (1) perform any conditions incident to the school city's acquisition  
 16 of the property;  
 17 (2) maintain and operate the trade school and real estate, building,  
 18 or personal property;  
 19 (3) employ competent instructors in the various subjects to be  
 20 taught;  
 21 (4) purchase all necessary tools, implements, supplies, and  
 22 apparatus; and  
 23 (5) establish general rules and requirements for:  
 24 (A) admission of pupils to the school or schools, **which**  
 25 **includes the admission of students who attend charter**  
 26 **schools or state accredited nonpublic schools;**  
 27 (B) the courses of instruction; and  
 28 (C) the conduct of the trade or industrial schools;  
 29 that, in the board's judgment, will produce the best results and  
 30 give instruction to the largest practicable number of students.  
 31 The school city may also use the real estate, building, or personal  
 32 property acquired under subsection (a) for other school purposes, but  
 33 not for any purpose that will materially interfere with the conduct of the  
 34 trade or industrial schools.  
 35 (c) The transfer tuition charge for each student who:  
 36 (1) is transferred to the school city from another school  
 37 corporation in Indiana; and  
 38 (2) receives trade or industrial instruction in a trade or industrial  
 39 school located on property acquired under subsection (a);  
 40 must be the actual per capita cost of operating the school the student  
 41 attends. However, the costs of permanent improvements or additions,  
 42 the salaries of the superintendents, or the costs of apparatus or





1 repairing broken or damaged apparatus may not be used in computing  
2 the actual per capita cost.

3 (d) If the school city admits a student to a trade school acquired by  
4 means described in this section and the student is not, by law, entitled  
5 to school privileges, **or attends a charter school or state accredited**  
6 **nonpublic school**, the tuition charge for the student may not be greater  
7 than the per capita cost of operating the school the student attends. The  
8 cost of permanent improvements and additions may not be included in  
9 computing the cost under this subsection.

10 (e) A school city may admit to the school city's career and technical,  
11 trade, or industrial schools nonresidents of Indiana. A nonresident  
12 student must pay reasonable laboratory and shop fees and a tuition fee  
13 of not more than the per student cost to the school city conducting the  
14 career and technical, trade, or industrial schools. A return on capital  
15 invested in buildings, grounds, or equipment may not be included in  
16 computing the per student cost under this subsection.

17 SECTION 4. IC 20-30-14-1, AS ADDED BY P.L.1-2005,  
18 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
19 JULY 1, 2019]: Sec. 1. Each school corporation may encourage the  
20 development of a community service ethic among high school students  
21 in ~~grade 11 or~~ **grades 9 through** 12 in the school corporation by  
22 offering each ~~grade 11 or 12~~ student **in grades 9 through 12:**

- 23 (1) as part of the corporation's elective curriculum;  
24 (2) in compliance with rules adopted by the state board under  
25 section 9 of this chapter; and  
26 (3) upon completion by the student of approved community  
27 service or other volunteer service;

28 the opportunity for the student to earn academic credit toward the  
29 student's minimum graduation requirements.

30 SECTION 5. IC 20-31-8-3, AS AMENDED BY P.L.86-2018,  
31 SECTION 181, IS AMENDED TO READ AS FOLLOWS  
32 [EFFECTIVE JULY 1, 2019]: Sec. 3. (a) The state board shall establish  
33 a number of categories, using an "A" through "F" grading scale, to  
34 designate performance based on the individual student academic  
35 performance and growth to proficiency in each school.

36 (b) The state board, in consultation with the department, shall define  
37 "low population schools" and shall determine the criteria for placing  
38 low population schools in categories established under subsection (a).  
39 In setting the definition and criteria for low population schools, the  
40 state board shall not penalize schools based on population. An eligible  
41 school (as defined in IC 20-51-1-4.7) may not be penalized under  
42 IC 20-51-4-9 for the sole reason that the eligible school is considered



1 a low population school under this subsection. The state board's  
2 definition and criteria may include the placement of a school that fits  
3 the state board's definition in a "null" or "no letter grade" category.

4 (c) In developing metrics for the categories established under  
5 subsection (a), the state board, in consultation with the department, to  
6 the extent not inconsistent with federal law, shall consider the severity  
7 of tested students' disabilities when using statewide assessment scores  
8 as a means of assessing school performance.

9 (d) In developing metrics for the categories established under  
10 subsection (a), the state board shall consider the mobility of high  
11 school students who are credit deficient and whether any high school  
12 should be rewarded for enrolling credit deficient students or penalized  
13 for transferring out credit deficient students.

14 **(e) Beginning with the cohort of students that is expected to**  
15 **graduate in the 2022-2023 school year and in addition to any other**  
16 **component of the accountability system established by this article,**  
17 **the state board shall include the following student outcome**  
18 **measures in developing metrics for the categories established**  
19 **under subsection (a):**

20 (1) The number of students who complete programs that  
21 grant an industry recognized certificate.

22 (2) The number of students who enroll in either of the  
23 following:

24 (A) A postsecondary educational institution.

25 (B) An institution that provides vocational education.

26 (3) The number of students who pursue military service.

27 SECTION 6. IC 20-32-4-15 IS ADDED TO THE INDIANA CODE  
28 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
29 1, 2019]: **Sec. 15. (a) This section applies to the cohort of students**  
30 **that is expected to graduate during the 2022-2023 school year.**

31 **(b) In addition to completing the graduation requirements set**  
32 **forth in this article, a student must do the following:**

33 (1) Enroll in and successfully complete at least one (1) career  
34 and technical education course.

35 (2) Complete and file the Free Application for Federal  
36 Student Aid.

37 **The school at which the student is enrolled shall certify to the**  
38 **department that the student has successfully completed the**  
39 **requirements described in this subsection before the student may**  
40 **graduate.**

41 SECTION 7. IC 20-37-2-1, AS ADDED BY P.L.1-2005, SECTION  
42 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,



1 2019]: Sec. 1. (a) A governing body may establish and conduct a  
 2 system of industrial or manual training and education to teach:

- 3 (1) the major uses of tools and mechanical implements;  
 4 (2) the elementary principles of mechanical construction;  
 5 (3) mechanical drawing; and  
 6 (4) printing.

7 (b) If a system is established, the governing body shall employ  
 8 competent instructors in the various subjects and shall establish rules  
 9 and regulations on student admissions designed to produce the best  
 10 results and to give instruction to the largest practicable number. A  
 11 governing body may provide this instruction in school buildings or in  
 12 separate buildings. **Each governing body must admit students who**  
 13 **attend a charter school or state accredited nonpublic school if the**  
 14 **charter school, state accredited nonpublic school, or student**  
 15 **provides the governing body tuition for the student, which may not**  
 16 **be greater than the per capita cost of operating the system of**  
 17 **industrial or manual training.** Each governing body may:

- 18 (1) require students enrolling in this system to pay a reasonable  
 19 tuition fee; and  
 20 (2) differentiate between students living in the attendance unit  
 21 and those living outside the attendance unit in the amount of  
 22 tuition charged.

23 However, tuition charges by a school corporation operating under  
 24 IC 20-25-3 and IC 20-25-4 are also regulated by IC 20-25-4-17.

25 SECTION 8. IC 20-51-1-4.7, AS AMENDED BY P.L.242-2017,  
 26 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 27 JULY 1, 2019]: Sec. 4.7. "Eligible school" refers to a public or  
 28 nonpublic elementary school or high school that:

- 29 (1) is located in Indiana;  
 30 (2) requires an eligible choice scholarship student to pay tuition  
 31 or transfer tuition to attend;  
 32 (3) voluntarily agrees to enroll an eligible choice scholarship  
 33 student;  
 34 (4) is accredited by either the state board or a national or regional  
 35 accreditation agency that is recognized by the state board;  
 36 (5) administers the statewide assessment program **for applicable**  
 37 **grades;**  
 38 (6) is not a charter school or the school corporation in which an  
 39 eligible choice scholarship student has legal settlement under  
 40 IC 20-26-11; and  
 41 (7) submits to the department only the student performance data  
 42 required for a category designation under IC 20-31-8-3.



1 SECTION 9. IC 21-16-1-7.5 IS ADDED TO THE INDIANA CODE  
 2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 3 1, 2019]: **Sec. 7.5. "Eligible secondary school student" means a**  
 4 **student, beginning with the cohort of students that is expected to**  
 5 **graduate in the 2022-2023 school year, who:**

- 6 (1) **is enrolled in a secondary school in Indiana;**  
 7 (2) **completes and files a Free Application for Federal Student**  
 8 **Aid; and**  
 9 (3) **meets any other criteria established by the commission.**

10 SECTION 10. IC 21-16-2-4, AS AMENDED BY P.L.272-2013,  
 11 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 12 JULY 1, 2019]: Sec. 4. An agreement entered into under this chapter  
 13 must:

- 14 (1) provide for employment by the eligible employer of eligible  
 15 students **and eligible secondary school students:**  
 16 (A) for a minimum average of twelve (12) hours per week; and  
 17 (B) a maximum average of:  
 18 (i) twenty (20) hours per week, if the student is enrolled in  
 19 courses at the time of employment; or  
 20 (ii) forty (40) hours per week if the employment occurs  
 21 during the summer term and the student is not enrolled in  
 22 courses during the summer term;  
 23 (2) provide for the reimbursement, to the extent possible under  
 24 the then current biennial appropriation, by the state to the  
 25 employer of at least fifty percent (50%) of the federal minimum  
 26 hourly wage for each hour worked by the student for the  
 27 employer;  
 28 (3) provide that any work performed by a student under this  
 29 chapter must not result in the displacement of employed workers  
 30 or impair existing contracts for services;  
 31 (4) provide that any work performed by a student under this  
 32 chapter shall not involve any partisan or nonpartisan political or  
 33 sectarian activities;  
 34 (5) provide that wage rates must be established by the eligible  
 35 employer, but must not be less than the current federal minimum  
 36 wage rate; and  
 37 (6) contain any other provisions necessary to carry out this  
 38 chapter.

39 SECTION 11. IC 21-16-2-7, AS AMENDED BY P.L.272-2013,  
 40 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 41 JULY 1, 2019]: Sec. 7. An eligible employer that wishes to participate  
 42 in the EARN Indiana program under this chapter must:



- 1 (1) submit to the commission, by the date specified by the
- 2 commission and in the format specified by the commission, a job
- 3 description for each job that the eligible employer will offer to
- 4 eligible students **and eligible secondary school students** under
- 5 the program;
- 6 (2) submit to the commission, by the date specified by the
- 7 commission, one (1) or more statements reporting:
- 8 (A) the wages paid by the eligible employer to each eligible
- 9 student **and each eligible secondary school student**; and
- 10 (B) the amount of time worked by each eligible student **and**
- 11 **each eligible secondary school student** employed by the
- 12 eligible employer; and
- 13 (3) sign an agreement agreeing to administer the program
- 14 according to the published rules and program guidelines as
- 15 outlined by the commission.

16 SECTION 12. IC 34-13-3.5-8 IS ADDED TO THE INDIANA  
 17 CODE AS **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE  
 18 JULY 1, 2019]: **Sec. 8. If:**

- 19 (1) **a public school makes, in accordance with section 6 of this**
- 20 **chapter, a written offer to an individual or entity to resolve a**
- 21 **dispute;**
- 22 (2) **the individual or entity rejects the written offer; and**
- 23 (3) **the final judgment or relief obtained by the individual or**
- 24 **entity in an action or administrative proceeding is not more**
- 25 **favorable than the written offer described in subdivision (1);**
- 26 **the court, administrative law judge, or hearing officer shall, upon**
- 27 **request by the public school, award attorney's fees, court costs, and**
- 28 **other reasonable expenses of litigation to the public school.**

29 SECTION 13. IC 34-13-3.5-9 IS ADDED TO THE INDIANA  
 30 CODE AS **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE  
 31 JULY 1, 2019]: **Sec. 9. If an individual or entity initiates an**  
 32 **administrative proceeding against a public school that results in**  
 33 **the administrative proceeding being heard by an administrative**  
 34 **law judge or a hearing officer, the fees due to the administrative**  
 35 **law judge or hearing officer shall be split equally between the**  
 36 **parties to the administrative proceeding.**

37 SECTION 14. IC 34-13-3.5-9.1 IS ADDED TO THE INDIANA  
 38 CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2019]: **Sec. 9.1. An attorney or other**  
 39 **advocate for an individual or entity that initiates a lawsuit or**  
 40 **administrative proceeding against a public school or a nonpublic**  
 41 **school that has at least one (1) employee is prohibited from**  
 42



1     **representing the individual or entity without first disclosing in**  
2     **writing to the:**  
3         **(1) attorney or advocate's client; and**  
4         **(2) court;**  
5     **any conflicts of interest the attorney or advocate has in**  
6     **representing the individual or entity.**

