



February 18, 2019

HOUSE BILL No. 1629

DIGEST OF HB 1629 (Updated February 18, 2019 11:30 am - DI 116)

Citations Affected: IC 5-14; IC 20-18; IC 20-25; IC 20-30; IC 20-32; IC 20-33; IC 20-37; IC 21-16; IC 34-13.

Synopsis: Various education matters. Provides that a school corporation or charter school may not charge a fee for the first five hours required to search for a record that is in an electronic format. Provides that a school corporation or charter school may charge a search fee for any time spent searching for a record that is in an electronic format that exceeds two hours. 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. Provides that after June 30, 2020, any Core 40 college preparation curriculum models adopted by the state board of education (state board) shall include the requirement that each graduating senior shall submit to the United States Department of Education a free application for federal student aid unless a principal, a parent, or the student (if the student is an adult or is emancipated) provides a waiver. Provides that a student who is suspended is required to complete all assignments and school work assigned during the student's suspension.

(Continued next page)

Effective: July 1, 2019.

Behning

January 24, 2019, read first time and referred to Committee on Education.
February 18, 2019, amended, reported — Do Pass.

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Digest Continued

Provides that the principal, or the principal's designee, must ensure that the student receives notice of any assignments or school work due and teacher contact information if the student has questions regarding the assignments or school work during the student's suspension. Provides that a student shall be allowed to make up missed tests or quizzes when the student returns to school. Beginning with the 2022-2023 cohort, expands the EARN Indiana program to include secondary school students. Provides that a court, administrative law judge, or hearing officer shall award 25% of the attorney's fees, court costs, and other reasonable expenses of litigation in certain circumstances. 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, and the individual or entity is not determined to be the prevailing party in the proceeding, the fees due to the administrative law judge or hearing officer shall be split equally between the parties to the administrative proceeding.

HB 1629—LS 7091/DI 116



February 18, 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. 1629

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 5-14-3-8, AS AMENDED BY P.L.171-2018,
2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2019]: Sec. 8. (a) For the purposes of this section, "state
4 agency" has the meaning set forth in IC 4-13-1-1.
5 (b) Except as provided in this section, a public agency may not
6 charge any fee under this chapter for the following:
7 (1) To inspect a public record.
8 **(2) This subdivision applies only to a school corporation and**
9 **a charter school. To search for a record that is in an**
10 **electronic format, if the search does not exceed five (5) hours.**
11 ~~(2) (3) To~~ **Subject to subdivision (2), to** search for, examine, or
12 review a record to determine whether the record may be
13 disclosed.
14 ~~(3) (4) To~~ **(4) To** provide an electronic copy of a public record by
15 electronic mail. However, a public agency may charge a fee for a

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1 public record transmitted by electronic mail if the fee for the
2 public record is authorized under:

3 (A) subsection (f) or (j);

4 (B) section 6(c) of this chapter; or

5 (C) IC 36-2-7-10 or IC 36-2-7-10.1 concerning records of the
6 county recorder.

7 (c) The Indiana department of administration shall establish a
8 uniform copying fee for the copying of one (1) page of a standard-sized
9 document by state agencies. The fee may not exceed the average cost
10 of copying records by state agencies or ten cents (\$0.10) per page,
11 whichever is greater. A state agency may not collect more than the
12 uniform copying fee for providing a copy of a public record. However,
13 a state agency shall establish and collect a reasonable fee for copying
14 nonstandard-sized documents.

15 (d) This subsection applies to a public agency that is not a state
16 agency. The fiscal body (as defined in IC 36-1-2-6) of the public
17 agency, or the governing body, if there is no fiscal body, shall establish
18 a fee schedule for the certification or copying of documents. The fee for
19 certification of documents may not exceed five dollars (\$5) per
20 document. The fee for copying documents may not exceed the greater
21 of:

22 (1) ten cents (\$0.10) per page for copies that are not color copies
23 or twenty-five cents (\$0.25) per page for color copies; or

24 (2) the actual cost to the agency of copying the document.

25 As used in this subsection, "actual cost" means the cost of paper and
26 the per-page cost for use of copying or facsimile equipment and does
27 not include labor costs or overhead costs. A fee established under this
28 subsection must be uniform throughout the public agency and uniform
29 to all purchasers.

30 (e) If:

31 (1) a person is entitled to a copy of a public record under this
32 chapter; and

33 (2) the public agency which is in possession of the record has
34 reasonable access to a machine capable of reproducing the public
35 record;

36 the public agency must provide at least one (1) copy of the public
37 record to the person. However, if a public agency does not have
38 reasonable access to a machine capable of reproducing the record or if
39 the person cannot reproduce the record by use of enhanced access
40 under section 3.5 of this chapter, the person is only entitled to inspect
41 and manually transcribe the record. A public agency may require that
42 the payment for copying costs be made in advance.



1 (f) Notwithstanding subsection (b), (c), (d), (g), (h), or (i), a public
 2 agency shall collect any certification, copying, facsimile machine
 3 transmission, or search fee that is specified by statute or is ordered by
 4 a court.

5 (g) Except as provided by subsection (h), for providing a duplicate
 6 of a computer tape, computer disc, microfilm, law enforcement
 7 recording, or similar or analogous record system containing
 8 information owned by the public agency or entrusted to it, a public
 9 agency may charge a fee, uniform to all purchasers, that does not
 10 exceed the sum of the following:

11 (1) The agency's direct cost of supplying the information in that
 12 form. However, the fee for a copy of a law enforcement recording
 13 may not exceed one hundred fifty dollars (\$150).

14 (2) The standard cost for selling the same information to the
 15 public in the form of a publication if the agency has published the
 16 information and made the publication available for sale.

17 (3) In the case of the legislative services agency, a reasonable
 18 percentage of the agency's direct cost of maintaining the system
 19 in which the information is stored. However, the amount charged
 20 by the legislative services agency under this subdivision may not
 21 exceed the sum of the amounts it may charge under subdivisions
 22 (1) and (2).

23 (h) This subsection applies to the fee charged by a public agency for
 24 providing enhanced access to a public record. A public agency may
 25 charge any reasonable fee agreed on in the contract under section 3.5
 26 of this chapter for providing enhanced access to public records.

27 (i) This subsection applies to the fee charged by a public agency for
 28 permitting a governmental entity to inspect public records by means of
 29 an electronic device. A public agency may charge any reasonable fee
 30 for the inspection of public records under this subsection, or the public
 31 agency may waive any fee for the inspection.

32 (j) Except as provided in subsection (k), a public agency may charge
 33 a fee, uniform to all purchasers, for providing an electronic map that is
 34 based upon a reasonable percentage of the agency's direct cost of
 35 maintaining, upgrading, and enhancing the electronic map and for the
 36 direct cost of supplying the electronic map in the form requested by the
 37 purchaser. If the public agency is within a political subdivision having
 38 a fiscal body, the fee is subject to the approval of the fiscal body of the
 39 political subdivision.

40 (k) The fee charged by a public agency under subsection (j) to cover
 41 costs for maintaining, upgrading, and enhancing an electronic map may
 42 be waived by the public agency if the electronic map for which the fee



1 is charged will be used for a noncommercial purpose, including the
2 following:

- 3 (1) Public agency program support.
- 4 (2) Nonprofit activities.
- 5 (3) Journalism.
- 6 (4) Academic research.

7 (l) This subsection does not apply to a state agency. A fee collected
8 under subsection (g) for the copying of a law enforcement recording
9 may be:

- 10 (1) retained by the public agency; and
- 11 (2) used without appropriation for one (1) or more of the
12 following purposes:
 - 13 (A) To purchase cameras and other equipment for use in
14 connection with the agency's law enforcement recording
15 program.
 - 16 (B) For training concerning law enforcement recording.
 - 17 (C) To defray the expenses of storing, producing, and copying
18 law enforcement recordings.

19 Money from a fee described in this subsection does not revert to the
20 local general fund at the end of a fiscal year.

21 **(m) This subsection applies to a school corporation and a**
22 **charter school. For purposes of this subsection, "computer**
23 **processing time" means the amount of time a computer takes to**
24 **process a command or script to extract or copy electronically**
25 **stored data that is the subject of a public records request. A school**
26 **corporation or charter school may not charge a fee for the first five**
27 **(5) hours required to search for a record that is in an electronic**
28 **format. A school corporation or charter school may charge a**
29 **search fee for any time spent searching for a record that is in an**
30 **electronic format that exceeds two (2) hours. If the school**
31 **corporation or charter school charges a search fee, the school**
32 **corporation or charter school shall charge an hourly fee that does**
33 **not exceed the lesser of:**

- 34 (1) the hourly rate of the person making the search; or
- 35 (2) twenty dollars (\$20) per hour.

36 A school corporation or charter school charging an hourly fee
37 under this subsection for searching for a record that is in an
38 electronic format may charge only for time that the person making
39 the search actually spends in searching for the record that is in an
40 electronic format. A school corporation or charter school may not
41 charge for computer processing time and may not establish a
42 minimum fee for searching for a record that is in an electronic



1 **format. A school corporation or charter school shall make a good**
 2 **faith effort to complete a search for a record that is in an electronic**
 3 **format that is within a reasonable time in order to minimize the**
 4 **amount of a search fee. The fee must be prorated to reflect any**
 5 **search time of less than one (1) hour.**

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

- 11 (1) Kindergarten.
- 12 (2) Grade 1.
- 13 (3) Grade 2.
- 14 (4) Grade 3.
- 15 (5) Grade 4.
- 16 (6) Grade 5.
- 17 (7) Grade 6.
- 18 (8) Grade 7.
- 19 (9) Grade 8.

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

- 27 (1) printing;
- 28 (2) lithography;
- 29 (3) machine making;
- 30 (4) molding;
- 31 (5) typesetting;
- 32 (6) bricklaying;
- 33 (7) tile setting;
- 34 (8) pattern making;
- 35 (9) pharmacy; or
- 36 (10) other trades or occupations;

37 the board may, by the use of the board's school funds, maintain and
 38 operate the industrial or trade school or schools.

39 (b) If real estate, a building, or personal property is acquired by the
 40 school city under subsection (a), the board shall:

- 41 (1) perform any conditions incident to the school city's acquisition
 42 of the property;



- 1 (2) maintain and operate the trade school and real estate, building,
 2 or personal property;
 3 (3) employ competent instructors in the various subjects to be
 4 taught;
 5 (4) purchase all necessary tools, implements, supplies, and
 6 apparatus; and
 7 (5) establish general rules and requirements for:
 8 (A) admission of pupils to the school or schools, **which**
 9 **includes the admission of students who attend charter**
 10 **schools or state accredited nonpublic schools;**
 11 (B) the courses of instruction; and
 12 (C) the conduct of the trade or industrial schools;
 13 that, in the board's judgment, will produce the best results and
 14 give instruction to the largest practicable number of students.
 15 The school city may also use the real estate, building, or personal
 16 property acquired under subsection (a) for other school purposes, but
 17 not for any purpose that will materially interfere with the conduct of the
 18 trade or industrial schools.
 19 (c) The transfer tuition charge for each student who:
 20 (1) is transferred to the school city from another school
 21 corporation in Indiana; and
 22 (2) receives trade or industrial instruction in a trade or industrial
 23 school located on property acquired under subsection (a);
 24 must be the actual per capita cost of operating the school the student
 25 attends. However, the costs of permanent improvements or additions,
 26 the salaries of the superintendents, or the costs of apparatus or
 27 repairing broken or damaged apparatus may not be used in computing
 28 the actual per capita cost.
 29 (d) If the school city admits a student to a trade school acquired by
 30 means described in this section and the student is not, by law, entitled
 31 to school privileges, **or attends a charter school or state accredited**
 32 **nonpublic school**, the tuition charge for the student may not be greater
 33 than the per capita cost of operating the school the student attends. The
 34 cost of permanent improvements and additions may not be included in
 35 computing the cost under this subsection.
 36 (e) A school city may admit to the school city's career and technical,
 37 trade, or industrial schools nonresidents of Indiana. A nonresident
 38 student must pay reasonable laboratory and shop fees and a tuition fee
 39 of not more than the per student cost to the school city conducting the
 40 career and technical, trade, or industrial schools. A return on capital
 41 invested in buildings, grounds, or equipment may not be included in
 42 computing the per student cost under this subsection.



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

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

12 the opportunity for the student to earn academic credit toward the
 13 student's minimum graduation requirements.

14 SECTION 5. IC 20-32-4-15 IS ADDED TO THE INDIANA CODE
 15 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
 16 1, 2019]: **Sec. 15. After June 30, 2020, any Core 40 college**
 17 **preparation curriculum models adopted by the state board shall**
 18 **include the requirement that each graduating senior shall submit**
 19 **to the United States Department of Education a Free Application**
 20 **for Federal Student Aid (FAFSA) unless:**

- 21 **(1) a parent, or the student if the student is an adult or is**
 22 **emancipated, signs a waiver in writing refusing to complete**
 23 **the application under this section; or**
 24 **(2) if a graduating senior is not able to fulfill the requirements**
 25 **set forth in this section due to extenuating circumstances, the**
 26 **student's principal waives the requirement for the graduating**
 27 **senior to submit an application under this section.**

28 SECTION 6. IC 20-33-8-18, AS ADDED BY P.L.1-2005,
 29 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2019]: Sec. 18. (a) A principal may suspend a student for not
 31 more than ten (10) school days under section 14, 15, or 16 of this
 32 chapter. However, the student may be suspended for more than ten (10)
 33 school days under section 23 of this chapter.

34 (b) A principal may not suspend a student before the principal
 35 affords the student an opportunity for a meeting during which the
 36 student is entitled to the following:

- 37 (1) A written or an oral statement of the charges against the
 38 student.
 39 (2) If the student denies the charges, a summary of the evidence
 40 against the student.
 41 (3) An opportunity for the student to explain the student's
 42 conduct.



1 (c) When misconduct requires immediate removal of a student, the
 2 meeting under subsection (b) must begin as soon as reasonably possible
 3 after the student's suspension.

4 (d) Following a suspension, the principal shall send a written
 5 statement to the parent of the suspended student describing the
 6 following:

7 (1) The student's misconduct.

8 (2) The action taken by the principal.

9 **(e) If a student is suspended, the student is required to complete**
 10 **all assignments and school work assigned during the period of the**
 11 **student's suspension. The principal, or the principal's designee,**
 12 **must ensure that the student receives notice of any assignments or**
 13 **school work due and teacher contact information if the student has**
 14 **questions regarding the assignments or school work. A student**
 15 **shall be allowed to make up missed tests or quizzes when the**
 16 **student returns to school.**

17 SECTION 7. IC 20-37-2-1, AS ADDED BY P.L.1-2005, SECTION
 18 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 19 2019]: Sec. 1. (a) A governing body may establish and conduct a
 20 system of industrial or manual training and education to teach:

21 (1) the major uses of tools and mechanical implements;

22 (2) the elementary principles of mechanical construction;

23 (3) mechanical drawing; and

24 (4) printing.

25 (b) If a system is established, the governing body shall employ
 26 competent instructors in the various subjects and shall establish rules
 27 and regulations on student admissions designed to produce the best
 28 results and to give instruction to the largest practicable number. A
 29 governing body may provide this instruction in school buildings or in
 30 separate buildings. **Each governing body must provide equal access**
 31 **to students who attend a charter school or state accredited**
 32 **nonpublic school utilizing the same admittance practices that are**
 33 **currently in place if the charter school, state accredited nonpublic**
 34 **school, or student provides the governing body tuition for the**
 35 **student, which may not be greater than the per capita cost of**
 36 **operating the system of industrial or manual training.** Each
 37 governing body may:

38 (1) require students enrolling in this system to pay a reasonable
 39 tuition fee; and

40 (2) differentiate between students living in the attendance unit
 41 and those living outside the attendance unit in the amount of
 42 tuition charged.



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

3 SECTION 8. IC 21-16-1-7.5 IS ADDED TO THE INDIANA CODE
4 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
5 1, 2019]: **Sec. 7.5. "Eligible secondary school student" means a
6 student, beginning with the cohort of students that is expected to
7 graduate in the 2022-2023 school year, who:**

8 **(1) is enrolled in a secondary school in Indiana;**

9 **(2) completes and files a Free Application for Federal Student
10 Aid; and**

11 **(3) meets any other criteria established by the commission.**

12 SECTION 9. IC 21-16-2-4, AS AMENDED BY P.L.272-2013,
13 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2019]: Sec. 4. An agreement entered into under this chapter
15 must:

16 (1) provide for employment by the eligible employer of eligible
17 students **and eligible secondary school students:**

18 (A) for a minimum average of twelve (12) hours per week; and

19 (B) a maximum average of:

20 (i) twenty (20) hours per week, if the student is enrolled in
21 courses at the time of employment; or

22 (ii) forty (40) hours per week if the employment occurs
23 during the summer term and the student is not enrolled in
24 courses during the summer term;

25 (2) provide for the reimbursement, to the extent possible under
26 the then current biennial appropriation, by the state to the
27 employer of at least fifty percent (50%) of the federal minimum
28 hourly wage for each hour worked by the student for the
29 employer;

30 (3) provide that any work performed by a student under this
31 chapter must not result in the displacement of employed workers
32 or impair existing contracts for services;

33 (4) provide that any work performed by a student under this
34 chapter shall not involve any partisan or nonpartisan political or
35 sectarian activities;

36 (5) provide that wage rates must be established by the eligible
37 employer, but must not be less than the current federal minimum
38 wage rate; and

39 (6) contain any other provisions necessary to carry out this
40 chapter.

41 SECTION 10. IC 21-16-2-7, AS AMENDED BY P.L.272-2013,
42 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2019]: Sec. 7. An eligible employer that wishes to participate
 2 in the EARN Indiana program under this chapter must:

3 (1) submit to the commission, by the date specified by the
 4 commission and in the format specified by the commission, a job
 5 description for each job that the eligible employer will offer to
 6 eligible students **and eligible secondary school students** under
 7 the program;

8 (2) submit to the commission, by the date specified by the
 9 commission, one (1) or more statements reporting:

10 (A) the wages paid by the eligible employer to each eligible
 11 student **and each eligible secondary school student**; and

12 (B) the amount of time worked by each eligible student **and**
 13 **each eligible secondary school student** employed by the
 14 eligible employer; and

15 (3) sign an agreement agreeing to administer the program
 16 according to the published rules and program guidelines as
 17 outlined by the commission.

18 SECTION 11. IC 34-13-3.5-8 IS ADDED TO THE INDIANA
 19 CODE AS A NEW SECTION TO READ AS FOLLOWS
 20 [EFFECTIVE JULY 1, 2019]: Sec. 8. (a) This section:

21 (1) does not apply to a labor dispute; and

22 (2) may not be construed to conflict with the Constitution of
 23 the United States or any federal law.

24 (b) If:

25 (1) a public school offers to an individual or entity to resolve
 26 a dispute through mediation or another alternative dispute
 27 resolution process, and the individual or entity fails or refuses
 28 to participate in the mediation or other alternative dispute
 29 resolution process;

30 (2) the public school makes, in accordance with section 6 of
 31 this chapter, a written offer to the individual or entity to
 32 resolve the dispute;

33 (3) the individual or entity rejects the written offer described
 34 in subdivision (2); and

35 (4) the final judgment or relief obtained by the individual or
 36 entity in an action or administrative proceeding is not more
 37 favorable than the written offer described in subdivision (2);

38 the court, administrative law judge, or hearing officer shall, upon
 39 request by the public school, award to the public school twenty-five
 40 percent (25%) of the attorney's fees, court costs, and other
 41 reasonable expenses of litigation incurred by the public school after
 42 the written offer described in subdivision (2) was made.



1 SECTION 12. IC 34-13-3.5-9 IS ADDED TO THE INDIANA
2 CODE AS A NEW SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2019]: **Sec. 9. (a) This section:**

- 4 (1) does not apply to a labor dispute; and
5 (2) may not be construed to conflict with the Constitution of
6 the United States or any federal law.

7 (b) If an individual or entity initiates an administrative
8 proceeding against a public school that results in the
9 administrative proceeding being heard by an administrative law
10 judge or a hearing officer, and the individual or entity is not
11 determined to be the prevailing party in the proceeding, the fees
12 due to the administrative law judge or hearing officer shall be split
13 equally between the parties to the administrative proceeding.

14 SECTION 13. IC 34-13-3.5-9.1 IS ADDED TO THE INDIANA
15 CODE AS A NEW SECTION TO READ AS FOLLOWS
16 [EFFECTIVE JULY 1, 2019]: **Sec. 9.1. An attorney or other
17 advocate for an individual or entity that initiates a lawsuit or
18 administrative proceeding against a public school or a nonpublic
19 school that has at least one (1) employee is prohibited from
20 representing the individual or entity without first disclosing in
21 writing to the:**

- 22 (1) attorney or advocate's client; and
23 (2) court;

24 any conflicts of interest the attorney or advocate has in
25 representing the individual or entity.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1629, 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 15, begin a new paragraph and insert:

"SECTION 1. IC 5-14-3-8, AS AMENDED BY P.L.171-2018, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 8. (a) For the purposes of this section, "state agency" has the meaning set forth in IC 4-13-1-1.

(b) Except as provided in this section, a public agency may not charge any fee under this chapter for the following:

(1) To inspect a public record.

(2) This subdivision applies only to a school corporation and a charter school. To search for a record that is in an electronic format, if the search does not exceed five (5) hours.

~~(2) (3) To~~ **Subject to subdivision (2), to** search for, examine, or review a record to determine whether the record may be disclosed.

~~(3) (4)~~ **(4)** To provide an electronic copy of a public record by electronic mail. However, a public agency may charge a fee for a public record transmitted by electronic mail if the fee for the public record is authorized under:

(A) subsection (f) or (j);

(B) section 6(c) of this chapter; or

(C) IC 36-2-7-10 or IC 36-2-7-10.1 concerning records of the county recorder.

(c) The Indiana department of administration shall establish a uniform copying fee for the copying of one (1) page of a standard-sized document by state agencies. The fee may not exceed the average cost of copying records by state agencies or ten cents (\$0.10) per page, whichever is greater. A state agency may not collect more than the uniform copying fee for providing a copy of a public record. However, a state agency shall establish and collect a reasonable fee for copying nonstandard-sized documents.

(d) This subsection applies to a public agency that is not a state agency. The fiscal body (as defined in IC 36-1-2-6) of the public agency, or the governing body, if there is no fiscal body, shall establish a fee schedule for the certification or copying of documents. The fee for certification of documents may not exceed five dollars (\$5) per document. The fee for copying documents may not exceed the greater



of:

- (1) ten cents (\$0.10) per page for copies that are not color copies or twenty-five cents (\$0.25) per page for color copies; or
- (2) the actual cost to the agency of copying the document.

As used in this subsection, "actual cost" means the cost of paper and the per-page cost for use of copying or facsimile equipment and does not include labor costs or overhead costs. A fee established under this subsection must be uniform throughout the public agency and uniform to all purchasers.

(e) If:

- (1) a person is entitled to a copy of a public record under this chapter; and
- (2) the public agency which is in possession of the record has reasonable access to a machine capable of reproducing the public record;

the public agency must provide at least one (1) copy of the public record to the person. However, if a public agency does not have reasonable access to a machine capable of reproducing the record or if the person cannot reproduce the record by use of enhanced access under section 3.5 of this chapter, the person is only entitled to inspect and manually transcribe the record. A public agency may require that the payment for copying costs be made in advance.

(f) Notwithstanding subsection (b), (c), (d), (g), (h), or (i), a public agency shall collect any certification, copying, facsimile machine transmission, or search fee that is specified by statute or is ordered by a court.

(g) Except as provided by subsection (h), for providing a duplicate of a computer tape, computer disc, microfilm, law enforcement recording, or similar or analogous record system containing information owned by the public agency or entrusted to it, a public agency may charge a fee, uniform to all purchasers, that does not exceed the sum of the following:

- (1) The agency's direct cost of supplying the information in that form. However, the fee for a copy of a law enforcement recording may not exceed one hundred fifty dollars (\$150).
- (2) The standard cost for selling the same information to the public in the form of a publication if the agency has published the information and made the publication available for sale.
- (3) In the case of the legislative services agency, a reasonable percentage of the agency's direct cost of maintaining the system in which the information is stored. However, the amount charged by the legislative services agency under this subdivision may not



exceed the sum of the amounts it may charge under subdivisions (1) and (2).

(h) This subsection applies to the fee charged by a public agency for providing enhanced access to a public record. A public agency may charge any reasonable fee agreed on in the contract under section 3.5 of this chapter for providing enhanced access to public records.

(i) This subsection applies to the fee charged by a public agency for permitting a governmental entity to inspect public records by means of an electronic device. A public agency may charge any reasonable fee for the inspection of public records under this subsection, or the public agency may waive any fee for the inspection.

(j) Except as provided in subsection (k), a public agency may charge a fee, uniform to all purchasers, for providing an electronic map that is based upon a reasonable percentage of the agency's direct cost of maintaining, upgrading, and enhancing the electronic map and for the direct cost of supplying the electronic map in the form requested by the purchaser. If the public agency is within a political subdivision having a fiscal body, the fee is subject to the approval of the fiscal body of the political subdivision.

(k) The fee charged by a public agency under subsection (j) to cover costs for maintaining, upgrading, and enhancing an electronic map may be waived by the public agency if the electronic map for which the fee is charged will be used for a noncommercial purpose, including the following:

- (1) Public agency program support.
- (2) Nonprofit activities.
- (3) Journalism.
- (4) Academic research.

(l) This subsection does not apply to a state agency. A fee collected under subsection (g) for the copying of a law enforcement recording may be:

- (1) retained by the public agency; and
- (2) used without appropriation for one (1) or more of the following purposes:
 - (A) To purchase cameras and other equipment for use in connection with the agency's law enforcement recording program.
 - (B) For training concerning law enforcement recording.
 - (C) To defray the expenses of storing, producing, and copying law enforcement recordings.

Money from a fee described in this subsection does not revert to the local general fund at the end of a fiscal year.



(m) This subsection applies to a school corporation and a charter school. For purposes of this subsection, "computer processing time" means the amount of time a computer takes to process a command or script to extract or copy electronically stored data that is the subject of a public records request. A school corporation or charter school may not charge a fee for the first five (5) hours required to search for a record that is in an electronic format. A school corporation or charter school may charge a search fee for any time spent searching for a record that is in an electronic format that exceeds two (2) hours. If the school corporation or charter school charges a search fee, the school corporation or charter school shall charge an hourly fee that does not exceed the lesser of:

- (1) the hourly rate of the person making the search; or
- (2) twenty dollars (\$20) per hour.

A school corporation or charter school charging an hourly fee under this subsection for searching for a record that is in an electronic format may charge only for time that the person making the search actually spends in searching for the record that is in an electronic format. A school corporation or charter school may not charge for computer processing time and may not establish a minimum fee for searching for a record that is in an electronic format. A school corporation or charter school shall make a good faith effort to complete a search for a record that is in an electronic format that is within a reasonable time in order to minimize the amount of a search fee. The fee must be prorated to reflect any search time of less than one (1) hour."

Delete pages 2 through 4.

Page 5, delete lines 1 through 21.

Page 7, delete lines 30 through 42, begin a new paragraph and insert:

"SECTION 5. IC 20-32-4-15 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 15.** After June 30, 2020, any Core 40 college preparation curriculum models adopted by the state board shall include the requirement that each graduating senior shall submit to the United States Department of Education a Free Application for Federal Student Aid (FAFSA) unless:

- (1) a parent, or the student if the student is an adult or is emancipated, signs a waiver in writing refusing to complete the application under this section; or
- (2) if a graduating senior is not able to fulfill the requirements



set forth in this section due to extenuating circumstances, the student's principal waives the requirement for the graduating senior to submit an application under this section.

SECTION 7. IC 20-33-8-18, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 18. (a) A principal may suspend a student for not more than ten (10) school days under section 14, 15, or 16 of this chapter. However, the student may be suspended for more than ten (10) school days under section 23 of this chapter.

(b) A principal may not suspend a student before the principal affords the student an opportunity for a meeting during which the student is entitled to the following:

- (1) A written or an oral statement of the charges against the student.
- (2) If the student denies the charges, a summary of the evidence against the student.
- (3) An opportunity for the student to explain the student's conduct.

(c) When misconduct requires immediate removal of a student, the meeting under subsection (b) must begin as soon as reasonably possible after the student's suspension.

(d) Following a suspension, the principal shall send a written statement to the parent of the suspended student describing the following:

- (1) The student's misconduct.
- (2) The action taken by the principal.

(e) If a student is suspended, the student is required to complete all assignments and school work assigned during the period of the student's suspension. The principal, or the principal's designee, must ensure that the student receives notice of any assignments or school work due and teacher contact information if the student has questions regarding the assignments or school work. A student shall be allowed to make up missed tests or quizzes when the student returns to school."

Page 8, delete lines 1 through 40.

Page 9, line 12, delete "admit" and insert "**provide equal access to**".

Page 9, line 13, after "nonpublic school" insert "**utilizing the same admittance practices that are currently in place**".

Page 9, delete lines 25 through 42.

Page 11, delete lines 16 through 36, begin a new paragraph and insert:

"SECTION 12. IC 34-13-3.5-8 IS ADDED TO THE INDIANA



CODE AS A NEW SECTION TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2019]: **Sec. 8. (a) This section:**

- (1) does not apply to a labor dispute; and**
- (2) may not be construed to conflict with the Constitution of the United States or any federal law.**

(b) If:

- (1) a public school offers to an individual or entity to resolve a dispute through mediation or another alternative dispute resolution process, and the individual or entity fails or refuses to participate in the mediation or other alternative dispute resolution process;**
 - (2) the public school makes, in accordance with section 6 of this chapter, a written offer to the individual or entity to resolve the dispute;**
 - (3) the individual or entity rejects the written offer described in subdivision (2); and**
 - (4) 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 described in subdivision (2);**
- the court, administrative law judge, or hearing officer shall, upon request by the public school, award to the public school twenty-five percent (25%) of the attorney's fees, court costs, and other reasonable expenses of litigation incurred by the public school after the written offer described in subdivision (2) was made.**

SECTION 13. IC 34-13-3.5-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2019]: **Sec. 9. (a) This section:**

- (1) does not apply to a labor dispute; and**
- (2) may not be construed to conflict with the Constitution of the United States or any federal law.**

(b) 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, and the individual or entity is not determined to be the prevailing party in the proceeding, the fees



due to the administrative law judge or hearing officer shall be split equally between the parties to the administrative proceeding."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1629 as introduced.)

BEHNING

Committee Vote: yeas 11, nays 2.

