



March 29, 2019

ENGROSSED HOUSE BILL No. 1629

DIGEST OF HB 1629 (Updated March 27, 2019 5:40 pm - DI 110)

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

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, with an exception, 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 five 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
(Continued next page)

Effective: July 1, 2019.

Behning, Clere, DeVon

(SENATE SPONSORS — RAATZ, KRUSE, RANDOPHL LONNIE M)

January 24, 2019, read first time and referred to Committee on Education.
February 18, 2019, amended, reported — Do Pass.
February 20, 2019, read second time, amended, ordered engrossed.
February 21, 2019, engrossed. Read third time, passed. Yeas 67, nays 33.

SENATE ACTION

March 7, 2019, read first time and referred to Committee on Education and Career Development.
March 28, 2019, amended, reported favorably — Do Pass.

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Digest Continued

training. Provides that a student who is suspended is expected to complete all assignments and school work assigned during the student's suspension. Provides that the principal, or the principal's designee, must ensure that the student receives notice of any assignments or school work due and provide the applicable teacher's work electronic mail address 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.



March 29, 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. 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. This subdivision does not apply to a request**
10 **for a search by an exclusive representative (as defined in**
11 **IC 20-29-2-9). To search for a record that is in an electronic**
12 **format, if the search does not exceed five (5) hours.**
13 ~~(2) (3) To~~ **Subject to subdivision (2), to** search for, examine, or
14 review a record to determine whether the record may be
15 disclosed.

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1 ~~(3)~~ (4) To provide an electronic copy of a public record by
 2 electronic mail. However, a public agency may charge a fee for a
 3 public record transmitted by electronic mail if the fee for the
 4 public record is authorized under:

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

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

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

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

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

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

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

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

32 (e) If:

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

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

38 the public agency must provide at least one (1) copy of the public
 39 record to the person. However, if a public agency does not have
 40 reasonable access to a machine capable of reproducing the record or if
 41 the person cannot reproduce the record by use of enhanced access
 42 under section 3.5 of this chapter, the person is only entitled to inspect



1 and manually transcribe the record. A public agency may require that
2 the payment for copying costs be made in advance.

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

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

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

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

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

24 (1) and (2).

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

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

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

42 (k) The fee charged by a public agency under subsection (j) to cover



1 costs for maintaining, upgrading, and enhancing an electronic map may
 2 be waived by the public agency if the electronic map for which the fee
 3 is charged will be used for a noncommercial purpose, including the
 4 following:

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

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

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

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

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

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

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



1 **charge for computer processing time and may not establish a**
 2 **minimum fee for searching for a record that is in an electronic**
 3 **format. A school corporation or charter school shall make a good**
 4 **faith effort to complete a search for a record that is in an electronic**
 5 **format that is within a reasonable time in order to minimize the**
 6 **amount of a search fee. The fee must be prorated to reflect any**
 7 **search time of less than one (1) hour.**

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

13 **(1) Kindergarten.**

14 **(2) Grade 1.**

15 **(3) Grade 2.**

16 **(4) Grade 3.**

17 **(5) Grade 4.**

18 **(6) Grade 5.**

19 **(7) Grade 6.**

20 **(8) Grade 7.**

21 **(9) Grade 8.**

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

29 (1) printing;

30 (2) lithography;

31 (3) machine making;

32 (4) molding;

33 (5) typesetting;

34 (6) bricklaying;

35 (7) tile setting;

36 (8) pattern making;

37 (9) pharmacy; or

38 (10) other trades or occupations;

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

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

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



1 invested in buildings, grounds, or equipment may not be included in
2 computing the per student cost under this subsection.

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

9 (1) as part of the corporation's elective curriculum;

10 (2) in compliance with rules adopted by the state board under
11 section 9 of this chapter; and

12 (3) upon completion by the student of approved community
13 service or other volunteer service;

14 the opportunity for the student to earn academic credit toward the
15 student's minimum graduation requirements.

16 SECTION 5. IC 20-33-8-18, AS ADDED BY P.L.1-2005,
17 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JULY 1, 2019]: Sec. 18. (a) A principal may suspend a student for not
19 more than ten (10) school days under section 14, 15, or 16 of this
20 chapter. However, the student may be suspended for more than ten (10)
21 school days under section 23 of this chapter.

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

25 (1) A written or an oral statement of the charges against the
26 student.

27 (2) If the student denies the charges, a summary of the evidence
28 against the student.

29 (3) An opportunity for the student to explain the student's
30 conduct.

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

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

37 (1) The student's misconduct.

38 (2) The action taken by the principal.

39 **(e) If a student is suspended, the student is expected to complete**
40 **all assignments and school work assigned during the period of the**
41 **student's suspension. The principal, or the principal's designee,**
42 **must ensure that the student receives notice of any assignments or**



1 **school work due and provide the student with the applicable**
 2 **teacher's work electronic mail address if the student has questions**
 3 **regarding the assignments or school work. A student shall be**
 4 **allowed to make up missed tests or quizzes when the student**
 5 **returns to school.**

6 SECTION 6. IC 20-37-2-1, AS ADDED BY P.L.1-2005, SECTION
 7 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 8 2019]: Sec. 1. (a) A governing body may establish and conduct a
 9 system of industrial or manual training and education to teach:

- 10 (1) the major uses of tools and mechanical implements;
- 11 (2) the elementary principles of mechanical construction;
- 12 (3) mechanical drawing; and
- 13 (4) printing.

14 (b) If a system is established, the governing body shall employ
 15 competent instructors in the various subjects and shall establish rules
 16 and regulations on student admissions designed to produce the best
 17 results and to give instruction to the largest practicable number. A
 18 governing body may provide this instruction in school buildings or in
 19 separate buildings. **Each governing body must provide equal access**
 20 **to students who attend a charter school or state accredited**
 21 **nonpublic school utilizing the same admittance practices that are**
 22 **currently in place if the charter school, state accredited nonpublic**
 23 **school, or student provides the governing body tuition for the**
 24 **student, which may not be greater than the per capita cost of**
 25 **operating the system of industrial or manual training.** Each
 26 governing body may:

- 27 (1) require students enrolling in this system to pay a reasonable
 28 tuition fee; and
- 29 (2) differentiate between students living in the attendance unit
 30 and those living outside the attendance unit in the amount of
 31 tuition charged.

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

34 SECTION 7. IC 21-16-1-7.5 IS ADDED TO THE INDIANA CODE
 35 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 36 1, 2019]: Sec. 7.5. **"Eligible secondary school student" means a**
 37 **student, beginning with the cohort of students that is expected to**
 38 **graduate in the 2022-2023 school year, who:**

- 39 (1) is enrolled in a secondary school in Indiana;
- 40 (2) completes and files a Free Application for Federal Student
 41 Aid; and
- 42 (3) meets any other criteria established by the commission.



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

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

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

8 (B) a maximum average of:

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

11 (ii) forty (40) hours per week if the employment occurs
 12 during the summer term and the student is not enrolled in
 13 courses during the summer term;

14 (2) provide for the reimbursement, to the extent possible under
 15 the then current biennial appropriation, by the state to the
 16 employer of at least fifty percent (50%) of the federal minimum
 17 hourly wage for each hour worked by the student for the
 18 employer;

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

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

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

28 (6) contain any other provisions necessary to carry out this
 29 chapter.

30 SECTION 9. IC 21-16-2-7, AS AMENDED BY P.L.272-2013,
 31 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2019]: Sec. 7. An eligible employer that wishes to participate
 33 in the EARN Indiana program under this chapter must:

34 (1) submit to the commission, by the date specified by the
 35 commission and in the format specified by the commission, a job
 36 description for each job that the eligible employer will offer to
 37 eligible students **and eligible secondary school students** under
 38 the program;

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

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



- 1 (B) the amount of time worked by each eligible student **and**
- 2 **each eligible secondary school student** employed by the
- 3 eligible employer; and
- 4 (3) sign an agreement agreeing to administer the program
- 5 according to the published rules and program guidelines as
- 6 outlined by the commission.



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)~~ **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.

HOUSE MOTION

Mr. Speaker: I move that House Bill 1629 be amended to read as follows:

Page 4, line 30, delete "two (2)" and insert "**five (5)**".

Page 10, delete lines 18 through 42.

Delete page 11.

(Reference is to HB 1629 Digest Correction as printed February 18, 2019.)

BEHNING

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred House Bill No. 1629, 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 "school." insert "**This subdivision does not apply to a request for a search by an exclusive representative (as defined in IC 20-29-2-9).**".

Page 7, delete lines 14 through 27.

Page 8, line 9, delete "required" and insert "**expected**".



Page 8, line 13, delete "teacher contact information" and insert **"provide the student with the applicable teacher's work electronic mail address"**.

Renumber all SECTIONS consecutively.
and when so amended that said bill do pass.

(Reference is to HB 1629 as reprinted February 21, 2019.)

RAATZ, Chairperson

Committee Vote: Yeas 10, Nays 0.

