



February 3, 2017

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## SENATE BILL No. 34

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DIGEST OF SB 34 (Updated February 2, 2017 9:17 am - DI 84)

**Citations Affected:** IC 20-26.

**Synopsis:** Background checks for school employees. Provides that a school corporation, charter school, or nonpublic school shall require an expanded criminal history check and expanded child protection index check on each employee every five years. Provides that a school corporation, charter school, or nonpublic school may implement the requirement for updated background checks for current employees over a five year period. Provides that the employee is responsible for costs associated with obtaining the background checks unless the school corporation, charter school, or nonpublic school agrees to pay the costs. Makes an exception to the provision that an applicant or employee may not be required to obtain an expanded criminal history check or expanded child protection index check more than one time during a five year period.

**Effective:** July 1, 2017.

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## Merritt, Kruse

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January 3, 2017, read first time and referred to Committee on Education and Career Development.

January 26, 2017, amended, reported favorably — Do Pass; reassigned to Committee on Appropriations.

February 2, 2017, reported favorably — Do Pass.

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SB 34—LS 6207/DI 125





February 3, 2017

First Regular Session 120th General Assembly (2017)

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 2016 Regular Session of the General Assembly.

## SENATE BILL No. 34

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A BILL FOR AN ACT to amend the Indiana Code concerning education.

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

- 1 SECTION 1. IC 20-26-5-10, AS AMENDED BY P.L.106-2016,  
2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2017]: Sec. 10. (a) This section applies to a:  
4 (1) school corporation;  
5 (2) charter school; or  
6 (3) a nonpublic school that employs one (1) or more employees.  
7 (b) A school corporation, including a charter school and a nonpublic  
8 school, shall adopt a policy concerning criminal history information for  
9 individuals who:  
10 (1) apply for:  
11 (A) employment with the school corporation, charter school,  
12 or nonpublic school; or  
13 (B) employment with an entity with which the school  
14 corporation, charter school, or nonpublic school contracts for  
15 services;  
16 (2) seek to enter into a contract to provide services to the school  
17 corporation, charter school, or nonpublic school; or

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1 (3) are employed by an entity that seeks to enter into a contract to  
2 provide services to the school corporation, charter school, or  
3 nonpublic school;

4 if the individuals are likely to have direct, ongoing contact with  
5 children within the scope of the individuals' employment.

6 (c) **Except as provided in subsections (e) and (f)**, a school  
7 corporation, including a charter school and a nonpublic school, shall  
8 administer a policy adopted under this section uniformly for all  
9 individuals to whom the policy applies.

10 (d) A policy adopted under this section must require that the school  
11 corporation, charter school, or nonpublic school conduct an expanded  
12 criminal history check and an expanded child protection index check  
13 concerning each applicant for noncertificated employment or  
14 certificated employment before or not later than three (3) months after  
15 the applicant's employment by the school corporation, charter school,  
16 or nonpublic school. Each individual hired for noncertificated  
17 employment or certificated employment may be required to provide a  
18 written consent for the school corporation, charter school, or nonpublic  
19 school to request an expanded criminal history check and an expanded  
20 child protection index check concerning the individual before or not  
21 later than three (3) months after the individual's employment by the  
22 school corporation or school.

23 (e) **A policy adopted under this section must state that the school**  
24 **corporation, charter school, or nonpublic school requires an**  
25 **expanded criminal history check and an expanded child protection**  
26 **index check concerning an employee of the school corporation,**  
27 **charter school, or nonpublic school. The checks must be conducted**  
28 **every five (5) years.**

29 (f) **In implementing subsection (e), and subject to subsection (i),**  
30 **a school corporation, charter school, or nonpublic school may**  
31 **update the checks required under subsection (e) for employees who**  
32 **are employed by the school corporation, charter school, or**  
33 **nonpublic school as of July 1, 2017, over a period not to exceed five**  
34 **(5) years by annually conducting updated expanded criminal**  
35 **history checks and expanded child protection index checks for at**  
36 **least one-fifth (1/5) of the total number of employees of the school**  
37 **corporation, charter school, or nonpublic school.**

38 (g) The school corporation, charter school, or nonpublic school may  
39 require the individual to provide a set of fingerprints and pay any fees  
40 required for the expanded criminal history check and expanded child  
41 protection index check. Each applicant for noncertificated employment  
42 or certificated employment **or an employee described in subsection**



- 1 (e) may be required:  
 2 (1) at the time the individual applies **or updates an expanded**  
 3 **criminal history check and expanded child protection index**  
 4 **check under subsection (e); or**  
 5 (2) **while an expanded criminal history check or expanded**  
 6 **child protection index check is being conducted;**  
 7 to answer questions concerning the individual's expanded criminal  
 8 history check and expanded child protection index check. The failure  
 9 to answer honestly questions asked under this subsection is grounds for  
 10 termination of the employee's employment.
- 11 (h) The applicant **or an employee described in subsection (e)** is  
 12 responsible for all costs associated with obtaining the expanded  
 13 criminal history check and expanded child protection index check  
 14 **unless the school corporation, charter school, or nonpublic school**  
 15 **agrees to pay the costs.**
- 16 (i) An applicant **or employee** may not be required by a school  
 17 corporation, charter school, or nonpublic school to obtain an expanded  
 18 criminal history check or an expanded child protection index check  
 19 more than one (1) time during a five (5) year period. **However, a**  
 20 **school corporation, charter school, or nonpublic school may obtain**  
 21 **a check described in this subsection at any time if the school**  
 22 **corporation, charter school, or nonpublic school has reason to**  
 23 **believe that the applicant or employee:**
- 24 (1) **is the subject of a substantiated report of child abuse or**  
 25 **neglect; or**  
 26 (2) **has been charged with or convicted of a crime listed in**  
 27 **section 11(b) of this chapter.**
- 28 (†) (j) Information obtained under this section must be used in  
 29 accordance with law.



## COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill No. 34, 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 2, line 6, delete "A" and insert "**Except as provided in subsections (e) and (f), a**".

Page 2, line 22, delete "require" and insert "**state**".

Page 2, line 23, delete "conduct" and insert "**requires**".

Page 2, line 26, delete "school who is likely to have direct," and insert "**school**".

Page 2, delete line 27.

Page 2, line 28, delete "employment".

Page 2, line 31, delete "background".

Page 2, line 32, delete ":".

Page 2, line 33, delete "(1)".

Page 2, line 34, delete "2017; and" and insert "**2017**".

Page 2, delete lines 35 through 36.

Page 2, run in lines 32 through 37.

Page 2, line 41, delete "The annual background check updates".

Page 2, delete line 42.

Page 3, delete lines 1 through 2.

Page 3, line 8, after "required" insert ":

**(1)**".

Page 3, line 10, after "(e)" insert "; or

**(2) while an expanded criminal history check or expanded child protection index check is being conducted;**".

Page 3, line 10, beginning with "to" begin a new line blocked left.

Page 3, line 17, delete "." and insert "**unless the school corporation, charter school, or nonpublic school agrees to pay the costs**".

Page 3, line 21, after "period." insert "**However, a school corporation, charter school, or nonpublic school may obtain a check described in this subsection at any time if the school corporation, charter school, or nonpublic school has reason to believe that the applicant or employee:**

**(1) is the subject of a substantiated report of child abuse or neglect; or**

**(2) has been charged with or convicted of a crime listed in**



**section 11(b) of this chapter."**

and when so amended that said bill do pass and be reassigned to the Senate Committee on Appropriations.

(Reference is to SB 34 as introduced.)

KRUSE, Chairperson

Committee Vote: Yeas 7, Nays 1.

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COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill No. 34, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 34 as printed January 27, 2017.)

KENLEY, Chairperson

Committee Vote: Yeas 10, Nays 0

