



Reprinted
February 26, 2016

ENGROSSED SENATE BILL No. 93

DIGEST OF SB 93 (Updated February 25, 2016 2:27 pm - DI 116)

Citations Affected: IC 6-1.1; IC 16-41; IC 20-18; IC 20-20; IC 20-23; IC 20-24; IC 20-26; IC 20-27; IC 20-28; IC 20-34; IC 21-18; noncode.

Synopsis: Various education matters. Provides that every school building shall be supplied with safe, potable water from:(1) a source; and (2) a distribution system; approved by the commissioner of the department of environmental management, the state health commissioner, or the local board of health or county health officer having jurisdiction where the school building is located. Provides that at least once in each period of two calendar years, the water available in each school building for drinking purposes shall be tested to ensure that it is healthful and free of contaminants, including lead, that could be injurious to human health. Provides that the financial specialist
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Effective: Upon passage; July 1, 2016; January 1, 2017.

**Kruse, Rogers, Mrvan,
Randolph Lonnie M**

(HOUSE SPONSORS — BEHNING, RHOADS, SMITH V, THOMPSON)

January 5, 2016, read first time and referred to Committee on Education & Career Development.

January 28, 2016, amended, reported favorably — Do Pass.

February 1, 2016, read second time, amended, ordered engrossed.

February 2, 2016, engrossed. Read third time, passed. Yeas 49, nays 0.

HOUSE ACTION

February 8, 2016, read first time and referred to Committee on Education.

February 22, 2016, amended, reported — Do Pass.

February 25, 2016, read second time, amended, ordered engrossed.

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appointed for the Gary Community School Corporation may perform the duties authorized under the statute for not more than 24 consecutive months (rather than 12 consecutive months, under current law). Amends the definition of "secondary school" to include certain elementary grades for purposes of a federal student loan forgiveness program for highly qualified teachers in high needs areas. Provides that, beginning January 1, 2017, a nonprofit college or university board of trustees shall assign authorization authority and authorization responsibilities to a separate legal entity that functions under the direction of the university's board. Provides that, before an entity may authorize a charter school, the entity must conduct a public meeting with public notice in the county where the charter school will be located. Provides that a charter school is considered a school corporation for purposes of any state or federal funding opportunities administered by the department or any other state agency that are otherwise available to a school corporation. Makes changes to the "school report card". Provides that an authorizer must conduct a public hearing in the school corporation in which a proposed charter school will be located. Provides if the location of the proposed charter school has not been determined, the public hearing must be held within the county where the proposed charter school would be located. Provides for staggered terms for the members of the East Chicago school board. Provides that a charter school organizer must establish certain requirements for the distribution of funds or assets of a charter school that ceases operation. (Current law provides that a charter school organizer must establish certain requirements for the distribution of funds or assets upon dissolution of a charter school.) Provides that if a school corporation or a charter school does not pay taxes due under the Federal Insurance Contributions Act within 30 days after the due date (and any known accrued penalties and interest on those taxes) or does not pay withheld state income taxes (and any known accrued penalties and interest on those taxes) within 30 days after the due date: (1) the school business official or financial officer shall report the failure to pay the taxes and the penalties and interest to the governing body of the school corporation or charter school; and (2) the governing body shall report at a public meeting on the failure to pay the taxes and the penalties and interest. Specifies that if during the following 365 days the school corporation or charter school has a subsequent failure to pay the taxes and known accrued penalties and interest within 30 days after the due date, the school corporation or charter school shall provide notice of its subsequent delinquency to the department of education, the budget agency, and the distressed unit appeal board. Provides that a school corporation may accept a student who does not have legal settlement in the school corporation into an alternative education program even if the school corporation does not otherwise accept transfer students. Removes an intramural athletic contest or competition that is sponsored by or associated with a school from the definition of "athletic activity" for purposes of the requirements concerning sudden cardiac arrest to student athletes. Adds an additional measure by which the depth perception of a school bus driver may be determined. Provides for the revocation of a school bus driver's certificate of completion of school bus driver safety education under certain circumstances. Provides that an individual may enroll in a transition to teaching program and receive a transition to teaching license without passing a content area examination before admission to the program. Voids administrative rules that require passing a content area examination before being admitted to a transition to teaching program. Requests the legislative council to assign the following topics to an appropriate study committee: (1) The extent the school's calendar influences certain school functions (2) Graduation rates, including the feasibility of amending the definition of "cohort" for purposes of determining graduation rates to exclude students who

(Continued next page)



Digest Continued

are pursuing a certificate of completion under an individualized education program. (3) Methods to ensure opportunities for secondary school students to earn college credits while enrolled in high school and to provide incentives for a teacher to obtain a master's degree or at least 18 hours of graduate coursework in the subject matter the teacher is teaching or wishes to teach as part of a dual credit course. (4) The feasibility of allowing a school corporation and an individual teacher to voluntarily enter into an employment contract that contains terms that differ from the terms set forth in a collective bargaining agreement, and issues related to the topic. (5) Issues related to the establishment of special education scholarship accounts and a special education scholarship account fund.



Reprinted
February 26, 2016

Second Regular Session 119th General Assembly (2016)

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 2015 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 93

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 6-1.1-20.3-6.9, AS ADDED BY P.L.213-2015,
2 SECTION 81, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 6.9. (a) The board may do the following:
4 (1) Hold a public hearing to review the budget, tax levies,
5 assessed value, debt service requirements, and other financial
6 information for the Gary Community School Corporation.
7 (2) After reviewing the information described in subdivision (1)
8 and subject to subdivision (3), the board may, with the consent of
9 the governing body of the Gary Community School Corporation,
10 select a financial specialist to take financial control of the Gary
11 Community School Corporation, who shall act in consultation
12 with the governing body of the Gary Community School
13 Corporation and the city of Gary.
14 (3) In selecting a financial specialist to take financial control of
15 the Gary Community School Corporation under subdivision (2):

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- 1 (A) the board shall recommend three (3) persons as potential
 2 candidates for the financial specialist position to take financial
 3 control of the Gary Community School Corporation; and
 4 (B) the governing body of the Gary Community School
 5 Corporation may, within twenty-one (21) days after the board
 6 makes the recommendations under clause (A), choose one (1)
 7 of the persons recommended by the board under clause (A)
 8 that the board may then select as a financial specialist to take
 9 financial control of the Gary Community School Corporation
 10 as provided in subdivision (2).
- 11 If the governing body of the Gary Community School Corporation
 12 does not choose a financial specialist as provided in clause (B)
 13 from the persons recommended by the board within twenty-one
 14 (21) days, the board's authority under this section is terminated.
- 15 (4) A financial specialist selected under this section:
 16 (A) shall be paid out of the funds appropriated to the board;
 17 (B) may perform the duties authorized under this section for
 18 not more than ~~twelve (12)~~ **twenty-four (24)** consecutive
 19 months; and
 20 (C) may request the Indiana Association of School Business
 21 Officials to provide technical consulting services to the
 22 financial specialist and the Gary Community School
 23 Corporation on the following issues:
 24 (i) Debt management.
 25 (ii) Cash management.
 26 (iii) Facility management.
 27 (iv) Other school business management issues.
- 28 The Indiana Association of School Business Officials will
 29 determine the appropriate individuals to consult with the
 30 financial specialist and the Gary Community School
 31 Corporation. Any consulting expenses will be paid out of the
 32 funds appropriated to the board.
- 33 (b) The board may do any of the following if the board selects a
 34 financial specialist to take financial control of the Gary Community
 35 School Corporation under subsection (a):
 36 (1) The board may work jointly with the city of Gary and the
 37 financial specialist to develop a financial plan for the Gary
 38 Community School Corporation.
 39 (2) The board may delay or suspend, for a period determined by
 40 the board, any payments of principal or interest, or both, that
 41 would otherwise be due from the Gary Community School
 42 Corporation on loans or advances from the common school fund.



(3) The board may recommend to the state board of finance that the state board of finance make an interest free loan to the Gary Community School Corporation from the common school fund. If the board makes a recommendation that such a loan be made, the state board of finance may, notwithstanding IC 20-49, make such a loan for a term of not more than six (6) years.

SECTION 2. IC 16-41-21.1 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

Chapter 21.1. Testing of Water in School Buildings

Sec. 1. As used in this chapter, "school building" means any building used for the classroom instruction of students in any grade from kindergarten through grade 12. The term includes buildings used by all public schools and private schools.

Sec. 2. Every school building shall be supplied with safe, potable water from:

- (1) a source; and
- (2) a distribution system;

approved by the commissioner of the department of environmental management, the state health commissioner, or the local board of health or county health officer having jurisdiction where the school building is located.

Sec. 3. (a) At least once in each period of two (2) calendar years, the water available in each school building for drinking purposes shall be tested to ensure that it is healthful and free of contaminants, including lead, that could be injurious to human health.

(b) The testing required by subsection (a) shall be conducted by:

- (1) the commissioner of the department of environmental management;
- (2) the state health commissioner; or
- (3) the local board of health or county health officer having jurisdiction where the school building is located.

SECTION 3. IC 20-18-2-18, AS ADDED BY P.L.1-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 18. **(a) Except as provided in subsection (b), "secondary school" means a high school.**

(b) For purposes of IC 20-28-9-25, "secondary school" has the meaning set forth in IC 20-28-9-25.

SECTION 4. IC 20-20-8-8, AS AMENDED BY P.L.213-2015, SECTION 159, AND AS AMENDED BY P.L.220-2015, SECTION 2, IS CORRECTED AND AMENDED TO READ AS FOLLOWS



- 1 [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) The report must include
 2 the following information:
 3 (1) Student enrollment.
 4 (2) Graduation rate (as defined in IC 20-26-13-6) *and the*
 5 *graduation rate excluding students that receive a graduation*
 6 *waiver under IC 20-32-4-4.*
 7 (3) Attendance rate.
 8 (4) The following test scores, including the number and
 9 percentage of students meeting academic standards:
 10 (A) ~~ISTEP program test scores.~~ *All state standardized*
 11 *assessment scores.*
 12 (B) Scores for assessments under IC 20-32-5-21, if
 13 appropriate.
 14 (C) For a freeway school, scores on a locally adopted
 15 assessment program, if appropriate.
 16 (5) Average class size.
 17 (6) *The school's performance category or designation of school*
 18 *improvement assigned under IC 20-31-8.*
 19 ~~(7)~~ (7) The number and percentage of students in the following
 20 groups or programs:
 21 (A) Alternative education, if offered.
 22 (B) Career and technical education.
 23 (C) Special education.
 24 (D) High ability.
 25 ~~(E) Remediation.~~
 26 ~~(F)~~ (E) Limited English language proficiency.
 27 ~~(G)~~ (F) Students receiving free or reduced price lunch under
 28 the national school lunch program.
 29 ~~(H) School flex program, if offered.~~
 30 ~~(7)~~ (8) Advanced placement, including the following:
 31 (A) For advanced placement tests, the percentage of students:
 32 (i) scoring three (3), four (4), and five (5); and
 33 (ii) taking the test.
 34 (B) For the Scholastic Aptitude Test:
 35 (i) **the average** test scores for all students taking the test;
 36 (ii) **the average** test scores for students completing the
 37 academic honors diploma program; and
 38 (iii) the percentage of students taking the test.
 39 ~~(8)~~ (9) Course completion, including the number and percentage
 40 of students completing the following programs:
 41 (A) Academic honors diploma.
 42 (B) Core 40 curriculum.



- 1 (C) Career and technical programs.
- 2 ~~(9) (10)~~ The percentage of grade 8 students enrolled in algebra I.
- 3 ~~(10)~~ The percentage of graduates who pursue higher education.
- 4 ~~(11)~~ (10) The percentage of graduates considered college and
- 5 career ready in a manner prescribed by the state board.
- 6 ~~(11)~~ ~~(12)~~ School safety, including:
- 7 (A) the number of students receiving suspension or expulsion
- 8 for the possession of alcohol, drugs, or weapons;
- 9 (B) the number of incidents reported under IC 20-33-9; and
- 10 (C) the number of bullying incidents reported under
- 11 IC 20-34-6 by category.
- 12 ~~(12)~~ ~~(13)~~ Financial information and various school cost factors
- 13 including the following: **required to be provided to the office of**
- 14 **management and budget under IC 20-42.5-3-5.**
- 15 (A) Expenditures per pupil.
- 16 (B) Average teacher salary.
- 17 (C) Remediation funding.
- 18 ~~(13)~~ Technology accessibility and use of technology in
- 19 instruction.
- 20 ~~(14)~~ Interdistrict and intradistrict student mobility rates, if that
- 21 information is available.
- 22 ~~(15)~~ (13) The number and percentage of each of the following
- 23 within the school corporation:
- 24 (A) Teachers who are certificated employees (as defined in
- 25 IC 20-29-2-4).
- 26 (B) Teachers who teach the subject area for which the teacher
- 27 is certified and holds a license.
- 28 (C) Teachers with national board certification.
- 29 ~~(16)~~ (14) The percentage of grade 3 students reading at grade 3
- 30 level.
- 31 ~~(17)~~ (15) The number of students expelled, including the number
- 32 participating in other recognized education programs during their
- 33 expulsion, including the percentage of students expelled by race,
- 34 grade, gender, free or reduced price lunch status, and eligibility
- 35 for special education.
- 36 ~~(18)~~ (16) Chronic absenteeism, which includes the number of
- 37 students who have been absent from school for ten percent (10%)
- 38 or more of a school year for any reason.
- 39 ~~(19)~~ (17) Habitual truancy, which includes the number of students
- 40 who have been absent ten (10) days or more from school within
- 41 a school year without being excused or without being absent
- 42 under a parental request that has been filed with the school.



- 1 ~~(20)~~ **(18)** The number of students who have dropped out of
 2 school, including the reasons for dropping out, *including the*
 3 *percentage of students who have dropped out by race, grade,*
 4 *gender, free or reduced **price** lunch status, and eligibility for*
 5 *special education.*
- 6 ~~(21)~~ **(19)** *The number of out of school suspensions assigned,*
 7 *including the percentage of students suspended by race, grade,*
 8 *gender, free or reduced **price** lunch status, and eligibility for*
 9 *special education.*
- 10 ~~(22)~~ **(20)** *The number of in school suspensions assigned,*
 11 *including the percentage of students suspended by race, grade,*
 12 *gender, free or reduced **price** lunch status, and eligibility for*
 13 *special education.*
- 14 ~~(21)~~ ~~(23)~~ **(21)** The number of student work permits revoked.
 15 ~~(22)~~ *The number of student driver's licenses revoked.*
- 16 ~~(23)~~ *The number of students who have not advanced to grade 10*
 17 *due to a lack of completed credits.*
- 18 ~~(24)~~ *The number of students suspended for any reason.*
- 19 ~~(25)~~ ~~(24)~~ **(22)** The number of students receiving an international
 20 baccalaureate diploma.
- 21 ~~(26)~~ ~~(25)~~ *Other indicators of performance as recommended by the*
 22 *education roundtable under IC 20-19-4.*
- 23 (b) *This subsection applies to schools, including charter schools,*
 24 *located in a county having a consolidated city, including schools*
 25 *located in excluded cities (as defined in IC 36-3-1-7). The information*
 26 *reported under subsection (a) must be disaggregated by race, grade,*
 27 *gender, free or reduced **price** lunch status, and eligibility for special*
 28 *education.*
- 29 SECTION 5. IC 20-23-17.2-3, AS AMENDED BY P.L.216-2015,
 30 SECTION 38, IS REPEALED [EFFECTIVE UPON PASSAGE]. Sec.
 31 3. (a) The governing body of the school corporation consists of nine (9)
 32 members who shall be elected as follows:
- 33 (1) One (1) member shall be elected from each of the school
 34 districts described in section 4 of this chapter. A member elected
 35 under this subdivision must reside within the boundaries of the
 36 district the member represents.
- 37 (2) Three (3) members, who must reside within the boundaries of
 38 the school corporation, shall be elected as at-large members.
- 39 (3) All members shall be elected on a nonpartisan basis.
- 40 (4) All members shall be elected at the general election held in
 41 the county in 2016 and each four (4) years thereafter.
- 42 (b) Upon assuming office and in conducting the business of the



1 governing body; a member shall represent the interests of the entire
2 school corporation.

3 SECTION 6. IC 20-23-17.2-3.1, AS ADDED BY P.L.222-2015,
4 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JANUARY 1, 2017]: Sec. 3.1. (a) After December 31, 2016, the
6 governing body of the school corporation consists of five (5) members,
7 elected as provided in this chapter.

8 (b) Three (3) members shall be elected as follows:

9 (1) From districts established as provided in section 4.1 of this
10 chapter.

11 (2) On a nonpartisan basis.

12 (3) At the general election held in the county in ~~2016~~ **2018** and
13 every four (4) years thereafter.

14 (c) Two (2) members shall be elected as follows:

15 (1) At large by all the voters of the school corporation.

16 (2) On a nonpartisan basis.

17 (3) At the general election held in the county in 2016 and every
18 four (4) years thereafter.

19 (d) The term of office of a member of the governing body:

20 (1) is four (4) years; and

21 (2) begins January 1 after the election of members of the
22 governing body.

23 (e) Upon assuming office and in conducting the business of the
24 governing body, a member shall represent the interests of the entire
25 school corporation.

26 SECTION 7. IC 20-23-17.2-3.3 IS ADDED TO THE INDIANA
27 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
28 **[EFFECTIVE JULY 1, 2016]: Sec. 3.3. (a) Notwithstanding section**
29 **3.1 of this chapter, as in effect on July 1, 2016, the members of the**
30 **governing body described in section 3.1(b) of this chapter shall:**

31 **(1) be elected at the general election held in the county in**
32 **2016; and**

33 **(2) serve a term of two (2) years.**

34 **(b) The successors of the members of the governing body**
35 **described in subsection (a) shall:**

36 **(1) be elected at the general election held in the county in**
37 **2018; and**

38 **(2) serve a term of four (4) years.**

39 **(c) This section expires January 1, 2023.**

40 SECTION 8. IC 20-23-17.2-9 IS REPEALED [EFFECTIVE UPON
41 PASSAGE]. Sec. 9: The members of the governing body of the school
42 corporation shall be elected at the general election to be held in 2016



1 and every four (4) years thereafter.

2 SECTION 9. IC 20-24-3-3, AS AMENDED BY P.L.280-2013,
3 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2016]: Sec. 3. The organizer's constitution, charter, articles,
5 or bylaws must contain a clause providing that upon ~~dissolution~~: **the**
6 **cessation of operation of the charter school:**

7 (1) the remaining assets of the charter school shall be distributed
8 first to satisfy outstanding payroll obligations for employees of the
9 charter school, then to creditors of the charter school, then to any
10 outstanding debt to the common school fund; and

11 (2) ~~the~~ remaining funds received from the department shall be
12 returned to the department not more than thirty (30) days after
13 ~~dissolution~~: **the charter school ceases operation due to:**

14 (A) **closure of the charter school;**

15 (B) **nonrenewal of the charter school's charter; or**

16 (C) **revocation of the charter school's charter.**

17 If the assets of the charter school are insufficient to pay all parties to
18 whom the charter school owes compensation under subdivision (1), the
19 priority of the distribution of assets may be determined by a court.

20 SECTION 10. IC 20-24-3-5.5, AS AMENDED BY P.L.221-2015,
21 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 JULY 1, 2016]: Sec. 5.5. (a) This section applies to an authorizer that
23 is not the executive of a consolidated city.

24 (b) Before issuing a charter, the authorizer must conduct a public
25 hearing concerning the establishment of the proposed charter school.
26 The public hearing must be held within ~~either the county or~~ the school
27 corporation where the proposed charter school would be located. **If the**
28 **location of the proposed charter school has not been identified, the**
29 **public hearing must be held within the county where the proposed**
30 **charter school would be located.** At the public hearing, the governing
31 body of the school corporation in which the proposed charter school
32 will be located must be given an opportunity to comment on the effect
33 of the proposed charter school on the school corporation, including any
34 foreseen negative impacts on the school corporation.

35 SECTION 11. IC 20-24-3-14, AS AMENDED BY P.L.280-2013,
36 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 2016]: Sec. 14. (a) This section applies to ~~university~~
38 ~~authorizers~~: **state educational institutions described in**
39 **IC 20-24-1-2.5(2).**

40 (b) Except as provided in subsection (c), the ultimate responsibility
41 for choosing to authorize a charter school and responsibilities for
42 maintaining authorization rest with the university's board of trustees.



1 (c) The university's board of trustees may vote to assign
 2 authorization authority and authorization responsibilities to another
 3 person or entity that functions under the direction of the university's
 4 board. A decision made under this subsection shall be communicated
 5 in writing to the department and the charter school review panel.

6 (d) Before a university may authorize a charter school, the
 7 university must conduct a public meeting with public notice in the
 8 **county school corporation** where the charter school will be located. **If**
 9 **the location of the proposed charter school has not been identified,**
 10 **the public hearing must be held within the county where the**
 11 **proposed charter school would be located.**

12 SECTION 12. IC 20-24-3-14.1 IS ADDED TO THE INDIANA
 13 CODE AS A NEW SECTION TO READ AS FOLLOWS
 14 [EFFECTIVE JULY 1, 2016]: **Sec. 14.1. (a) This section applies to**
 15 **nonprofit colleges and universities described in IC 20-24-1-2.5(5).**

16 (b) Except as provided in subsection (c), the ultimate
 17 responsibility for choosing to authorize and for maintaining
 18 authorization rests with the nonprofit college's or university's
 19 board of trustees.

20 (c) Beginning January 1, 2017, the nonprofit college's or
 21 university's board of trustees shall assign authorization authority
 22 and authorization responsibilities to a separate legal entity that
 23 functions under the direction of the nonprofit college's or
 24 university's board. A decision made under this subsection shall be
 25 communicated in writing to the department and the state board.

26 (d) An entity created under subsection (c) is subject to the
 27 requirements of IC 5-14-1.5 and IC 5-14-3. Creation of an entity
 28 under subsection (c) by a nonprofit college or university described
 29 in IC 20-24-1-2.5(5) does not subject the nonprofit college or
 30 university itself to the requirements of IC 5-14-1.5 and IC 5-14-3
 31 unless otherwise required by law.

32 (e) Before an entity created under subsection (c) may authorize
 33 a charter school, the entity must conduct a public meeting with
 34 public notice in the school corporation where the charter school
 35 will be located. **If the location of the proposed charter school has**
 36 **not been identified, the public hearing must be held within the**
 37 **county where the proposed charter school would be located.**

38 SECTION 13. IC 20-24-7-15 IS ADDED TO THE INDIANA
 39 CODE AS A NEW SECTION TO READ AS FOLLOWS
 40 [EFFECTIVE JULY 1, 2016]: **Sec. 15. A charter school is considered**
 41 **a school corporation for purposes of any state or federal funding**
 42 **opportunities administered by the department or any other state**



1 agency that are otherwise available to a school corporation as
2 described in IC 20-18-2-16(a).

3 SECTION 14. IC 20-26-5-37.2 IS ADDED TO THE INDIANA
4 CODE AS A NEW SECTION TO READ AS FOLLOWS
5 [EFFECTIVE JULY 1, 2016]: Sec. 37.2. (a) This section applies to
6 school corporations and charter schools that are required to do any
7 of the following:

8 (1) Pay to the Internal Revenue Service employer and
9 employee taxes imposed after June 30, 2016, under FICA.

10 (2) Pay to the department of state revenue amounts that are
11 deducted and withheld as taxes after June 30, 2016, under
12 IC 6-3-4-8.

13 (b) As used in this section, "delinquency" or "delinquent" refers
14 to either of the following:

15 (1) Failing to pay FICA taxes within thirty (30) days after the
16 taxes are due.

17 (2) Failing to pay to the department of state revenue amounts
18 that are deducted and withheld as taxes under IC 6-3-4-8 after
19 June 30, 2016, (including any known accrued interest and
20 penalties on those taxes) within thirty (30) days after the
21 payment of those withheld taxes is due.

22 (c) As used in this section, "due date" refers to:

23 (1) the date by which employer and employee taxes owed by
24 a school corporation or a charter school under FICA must be
25 paid to the Internal Revenue Service; or

26 (2) the date by which amounts that are deducted and withheld
27 as taxes under IC 6-3-4-8 must be paid to the department of
28 state revenue;

29 as applicable.

30 (d) As used in this section, "FICA" refers to the Federal
31 Insurance Contributions Act.

32 (e) As used in this section, "FICA taxes" refers to employer and
33 employee taxes imposed after June 30, 2016, under FICA. The
34 term includes any known accrued interest and penalties.

35 (f) If a school corporation or a charter school:

36 (1) fails to pay FICA taxes in full to the Internal Revenue
37 Service within thirty (30) days after the due date; or

38 (2) fails to pay amounts that are deducted and withheld as
39 taxes under IC 6-3-4-8 after June 30, 2016, (including any
40 known accrued interest and penalties on those taxes) within
41 thirty (30) days after the due date;

42 the school business official or school financial officer responsible



1 for ensuring that a school corporation's or charter school's tax
 2 payments are made shall report the school corporation's or charter
 3 school's delinquency to the governing body of the school
 4 corporation or charter school not later than forty-five (45) days
 5 after the due date. The school official or school financial officer
 6 shall make a report under this subsection each time the school
 7 corporation or charter school fails to pay FICA taxes within thirty
 8 (30) days after the due date or fails to pay amounts that are
 9 deducted and withheld as taxes under IC 6-3-4-8 (including any
 10 known accrued interest and penalties on those taxes) within thirty
 11 (30) days after the due date.

12 (g) Not later than thirty (30) days after receiving a report under
 13 subsection (f), the governing body of the school corporation or
 14 charter school shall hold a public meeting at which:

15 (1) the governing body shall provide a report on the school
 16 corporation's or charter school's failure to pay:

17 (A) FICA taxes; or

18 (B) amounts that are deducted and withheld as taxes under
 19 IC 6-3-4-8;

20 as applicable; and

21 (2) interested parties are permitted to testify regarding the
 22 school corporation's or charter school's failure to pay FICA
 23 taxes or amounts that are deducted and withheld as taxes
 24 under IC 6-3-4-8 (as applicable).

25 (h) This subsection applies if, within a three hundred sixty-five
 26 (365) day period, a school corporation or charter school is:

27 (1) delinquent in paying FICA taxes two (2) or more times; or

28 (2) delinquent in paying amounts that are deducted and
 29 withheld as taxes under IC 6-3-4-8 after June 30, 2016, two (2)
 30 or more times.

31 Not later than forty-five (45) days after a school corporation or
 32 charter school is delinquent for the second or subsequent time, the
 33 school corporation or charter school shall notify the department,
 34 the budget agency, and the distressed unit appeal board of the
 35 delinquency.

36 SECTION 15. IC 20-26-11-33 IS ADDED TO THE INDIANA
 37 CODE AS A NEW SECTION TO READ AS FOLLOWS
 38 [EFFECTIVE JULY 1, 2016]: Sec. 33. (a) Notwithstanding a policy
 39 adopted under section 32(a) of this chapter, a school corporation
 40 may accept a student who does not have legal settlement in the
 41 school corporation into an alternative education program (as
 42 defined in IC 20-30-8-1).



1 **(b) A school corporation that accepts students under subsection**
 2 **(a) of this chapter is not subject to the requirements set forth in**
 3 **section 32 of this chapter other than those requirements set forth**
 4 **in section 32(g), (h), (j), (k), and (l) of this chapter.**

5 SECTION 16. IC 20-27-3-4, AS AMENDED BY P.L.107-2006,
 6 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2016]: Sec. 4. (a) The committee has the following powers:

8 (1) The committee may adopt rules under IC 4-22-2 establishing
 9 standards for the construction of school buses and special purpose
 10 buses, including minimum standards for the construction of
 11 school buses and special purpose buses necessary to be issued a:

12 (A) valid certificate of inspection decal; and

13 (B) temporary certificate of inspection decal described in
 14 IC 20-27-7-10.

15 (2) The committee may adopt rules under IC 4-22-2 establishing
 16 standards for the equipment of school buses and special purpose
 17 buses, including minimum standards for the equipment of school
 18 buses and special purpose buses necessary to be issued a:

19 (A) valid certificate of inspection decal; and

20 (B) temporary certificate of inspection decal described in
 21 IC 20-27-7-10.

22 (3) The committee may adopt rules under IC 4-22-2 specifying
 23 the minimum standards that must be met to avoid the issuance of
 24 an out-of-service certificate of inspection decal.

25 (4) The committee may provide for the inspection of all school
 26 buses and special purpose buses, new or old, that are offered for
 27 sale, lease, or contract.

28 (5) The committee may provide for the annual inspection of all
 29 school buses and special purpose buses and the issuance of
 30 certificate of inspection decals.

31 (6) The committee may maintain an approved list of school buses
 32 and special purpose buses that have passed inspection tests under
 33 subdivision (4) or (5).

34 (7) The committee may, subject to approval by the state board of
 35 accounts, prescribe standard forms for school bus driver contracts.

36 (8) The committee may hear appeals brought under IC 20-27-7-15
 37 **and IC 20-27-8-15.**

38 (b) The committee shall adopt rules under IC 4-22-2 to set
 39 performance standards and measurements for determining the physical
 40 ability necessary for an individual to be a school bus driver.

41 (c) The certificate of inspection decals shall be issued to correspond
 42 with each school year. Each certificate of inspection decal expires on



1 September 30 following the school year in which the certificate of
 2 inspection decal is effective. However, for buses that are described in
 3 IC 20-27-7-7, the certificate of inspection decal expires on a date that
 4 is not later than seven (7) months after the date of the first inspection
 5 for the particular school year.

6 SECTION 17. IC 20-27-8-1, AS AMENDED BY P.L.219-2015,
 7 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2016]: Sec. 1. (a) An individual may not drive a school bus for
 9 the transportation of students or be employed as a school bus monitor
 10 unless the individual satisfies the following requirements:

- 11 (1) Is of good moral character.
 12 (2) Does not use intoxicating liquor during school hours.
 13 (3) Does not use intoxicating liquor to excess at any time.
 14 (4) Is not addicted to any narcotic drug.
 15 (5) Is at least:
 16 (A) twenty-one (21) years of age for driving a school bus; or
 17 (B) eighteen (18) years of age for employment as a school bus
 18 monitor.
 19 (6) In the case of a school bus driver, holds a valid public
 20 passenger chauffeur's license or commercial driver's license
 21 issued by the state or any other state.
 22 (7) Possesses the following required physical characteristics:
 23 (A) Sufficient physical ability to be a school bus driver, as
 24 determined by the committee.
 25 (B) The full normal use of both hands, both arms, both feet,
 26 both legs, both eyes, and both ears.
 27 (C) Freedom from any communicable disease that:
 28 (i) may be transmitted through airborne or droplet means; or
 29 (ii) requires isolation of the infected person under 410
 30 IAC 1-2.3.
 31 (D) Freedom from any mental, nervous, organic, or functional
 32 disease that might impair the person's ability to properly
 33 operate a school bus.
 34 (E) This clause does not apply to a school bus monitor. Visual
 35 acuity, with or without glasses, of at least 20/40 in each eye
 36 and a field of vision with one hundred fifty (150) degree
 37 minimum and with depth perception of at least eighty percent
 38 (80%) **or thirty-three (33) seconds of arc or less angle of**
 39 **stereopsis.**
 40 (b) This subsection applies to a school bus monitor.
 41 Notwithstanding subsection (a)(5)(B), a school corporation or school
 42 bus driver may not employ an individual who is less than twenty-one



1 (21) years of age as a school bus monitor unless the school corporation
 2 or school bus driver does not receive a sufficient number of qualified
 3 applicants for employment as a school bus monitor who are at least
 4 twenty-one (21) years of age. A school corporation or school bus driver
 5 shall maintain a record of applicants, their ages, and their qualifications
 6 to show compliance with this subsection.

7 SECTION 18. IC 20-27-8-15, AS ADDED BY P.L.1-2005,
 8 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2016]: Sec. 15. (a) The driver of a school bus for a public or
 10 nonpublic school that is accredited by the state board shall have in the
 11 school bus driver's possession, while transporting passengers, a
 12 certificate that states the school bus driver has:

- 13 (1) enrolled in or completed a course in school bus driver safety
 14 education as required under sections 9 and 10 of this chapter; or
 15 (2) operated a school bus at least thirty (30) days during the three
 16 (3) year period preceding the effective date of the school bus
 17 driver's employment.

18 (b) A certificate of enrollment in or completion of the course or
 19 courses in school bus driver safety education shall be prescribed by the
 20 committee and completed by the designated representative of the
 21 committee.

22 (c) A driver of a school bus who fails to complete the school bus
 23 driver safety education course or courses, as required, shall be reported
 24 by the person who conducted the course to the committee and to the
 25 school corporation where the school bus driver is employed or under
 26 contract.

27 (d) A driver of a school bus who fails to complete the school bus
 28 driver safety education course or courses, as required, may not drive a
 29 school bus within Indiana while transporting a student.

30 **(e) The department may at any time order the revocation of a
 31 driver's certificate of completion of the school bus driver safety
 32 education training due to:**

- 33 **(1) fraudulent completion of the annual safety meeting
 34 required under section 9 of this chapter; or
 35 (2) circumstances endangering the safe transportation of
 36 students, including the following:**

37 **(A) Permanent revocation for a:**

- 38 **(i) conviction for a felony or Class A misdemeanor; or
 39 (ii) positive drug or alcohol test result that does not fall
 40 under the return to duty policy of the employing school
 41 corporation.**

42 **(B) A two (2) year revocation for a conviction for a Class**



1 **B misdemeanor.**

2 **(C) A one (1) year revocation for a conviction for a Class**
 3 **C misdemeanor or a judgment for a Class A infraction.**

4 **(D) A six (6) month revocation for a judgment for a Class**
 5 **B or Class C infraction.**

6 SECTION 19. IC 20-28-4-12 IS ADDED TO THE INDIANA
 7 CODE AS A NEW SECTION TO READ AS FOLLOWS
 8 [EFFECTIVE UPON PASSAGE]: **Sec. 12. Unless otherwise required**
 9 **under this chapter, an individual may enroll in a program and**
 10 **receive a transition to teaching license without passing a content**
 11 **area examination before admission to the program.**

12 SECTION 20. IC 20-28-9-25 IS ADDED TO THE INDIANA
 13 CODE AS A NEW SECTION TO READ AS FOLLOWS
 14 [EFFECTIVE JULY 1, 2016]: **Sec. 25. For purposes of the federal**
 15 **teacher loan forgiveness program provided under 34 CFR**
 16 **682.216(a)(4), "secondary school" includes any eligible elementary**
 17 **or secondary school at which a highly qualified teacher in a high**
 18 **needs area (as defined in 34 CFR 682.216(b)) is employed.**

19 SECTION 21. IC 20-34-8-2, AS ADDED BY P.L.139-2014,
 20 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2016]: **Sec. 2.** As used in this chapter, "athletic activity"
 22 includes the following:

23 (1) An athletic contest or competition conducted between or
 24 among schools.

25 ~~(2) An intramural athletic contest or competition that is sponsored~~
 26 ~~by or associated with a school.~~

27 ~~(3) (2) Competitive and noncompetitive cheerleading that is~~
 28 ~~sponsored by or associated with a school.~~

29 SECTION 22. IC 21-18-13-3, AS ADDED BY P.L.139-2014,
 30 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2016]: **Sec. 3.** As used in this chapter, "athletic activity"
 32 includes the following:

33 (1) An athletic contest or competition conducted between or
 34 among postsecondary educational institutions.

35 ~~(2) An intramural athletic contest or competition that is sponsored~~
 36 ~~by or associated with a postsecondary educational institution.~~

37 ~~(3) (2) Competitive and noncompetitive cheerleading that is~~
 38 ~~sponsored by or associated with a postsecondary educational~~
 39 ~~institution.~~

40 SECTION 23. [EFFECTIVE UPON PASSAGE] **(a) The following**
 41 **portions of rules are void:**

42 **(1) 511 IAC 10.1-3-3(2).**



- 1 (2) 511 IAC 10.1-3-4(2).
- 2 (3) 511 IAC 10.1-3-5(2).
- 3 (4) 511 IAC 10.1-3-6(2).
- 4 (5) 511 IAC 16-4-2(b)(3).
- 5 (6) 511 IAC 16-4-2(b)(5).
- 6 (7) 511 IAC 16-4-2(f).

7 **The publisher of the Indiana Administrative Code and the Indiana**
 8 **Register shall remove these provisions from the Indiana**
 9 **Administrative Code.**

10 **(b) This SECTION expires June 30, 2017.**

11 **SECTION 24. [EFFECTIVE UPON PASSAGE] (a) The legislative**
 12 **council is urged to assign the following topics to an appropriate**
 13 **study committee during the 2016 legislative interim:**

14 **(1) Determining graduation rates, including the feasibility of**
 15 **amending the definition of "cohort" for purposes of**
 16 **determining graduation rates to exclude students who are**
 17 **pursuing a certificate of completion under an individualized**
 18 **education program.**

19 **(2) Methods to ensure opportunities for secondary school**
 20 **students to earn college credits while enrolled in high school**
 21 **and to provide incentives for a teacher to obtain a master's**
 22 **degree or at least eighteen (18) hours of graduate course work**
 23 **in the subject matter the teacher is teaching or wishes to teach**
 24 **as part of a dual credit course, including:**

- 25 **(A) providing graduate programs that combine summer,**
 26 **evening, online, and weekend classes;**
- 27 **(B) completing a supervised practicum while teaching;**
- 28 **(C) encouraging primary and secondary schools to**
 29 **establish programs to mentor new teachers;**
- 30 **(D) offering scholarships for returning dual credit**
 31 **teachers; and**
- 32 **(E) providing flexibility to school corporations to establish**
 33 **pay scales that reflect the value of teachers with master's**
 34 **degrees.**

35 **(3) The feasibility of allowing a school corporation and an**
 36 **individual teacher to voluntarily enter into an employment**
 37 **contract that contains terms that differ from the terms set**
 38 **forth in a collective bargaining agreement, and issues related**
 39 **to the topic.**

40 **(4) Issues related to the establishment of special education**
 41 **scholarship accounts and a special education scholarship**
 42 **account fund.**



- 1 **(5) The extent that school corporation or school calendar**
- 2 **influences the following:**
- 3 **(A) The development of Indiana's workforce through the**
- 4 **impact on meaningful employment and internship**
- 5 **opportunities for high school students.**
- 6 **(B) Access to dual credit courses offered to high school**
- 7 **students through Indiana's institutions of higher learning.**
- 8 **(C) Access to professional development for teachers.**
- 9 **(D) Economic development opportunities and tax revenue**
- 10 **impacts for state and local governments.**
- 11 **(E) Cost of operation of school corporations and schools.**
- 12 **(F) Access to supplemental meal programs for Indiana**
- 13 **students during school breaks.**
- 14 **(b) This SECTION expires December 31, 2016.**
- 15 **SECTION 25. An emergency is declared for this act.**



COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill No. 93, 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, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 6-1.1-20.3-6.9, AS ADDED BY P.L.213-2015, SECTION 81, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6.9. (a) The board may do the following:

(1) Hold a public hearing to review the budget, tax levies, assessed value, debt service requirements, and other financial information for the Gary Community School Corporation.

(2) After reviewing the information described in subdivision (1) and subject to subdivision (3), the board may, with the consent of the governing body of the Gary Community School Corporation, select a financial specialist to take financial control of the Gary Community School Corporation, who shall act in consultation with the governing body of the Gary Community School Corporation and the city of Gary.

(3) In selecting a financial specialist to take financial control of the Gary Community School Corporation under subdivision (2):

(A) the board shall recommend three (3) persons as potential candidates for the financial specialist position to take financial control of the Gary Community School Corporation; and

(B) the governing body of the Gary Community School Corporation may, within twenty-one (21) days after the board makes the recommendations under clause (A), choose one (1) of the persons recommended by the board under clause (A) that the board may then select as a financial specialist to take financial control of the Gary Community School Corporation as provided in subdivision (2).

If the governing body of the Gary Community School Corporation does not choose a financial specialist as provided in clause (B) from the persons recommended by the board within twenty-one (21) days, the board's authority under this section is terminated.

(4) A financial specialist selected under this section:

(A) shall be paid out of the funds appropriated to the board;



(B) may perform the duties authorized under this section for not more than ~~twelve (12)~~ **twenty-four (24)** consecutive months; and

(C) may request the Indiana Association of School Business Officials to provide technical consulting services to the financial specialist and the Gary Community School Corporation on the following issues:

- (i) Debt management.
- (ii) Cash management.
- (iii) Facility management.
- (iv) Other school business management issues.

The Indiana Association of School Business Officials will determine the appropriate individuals to consult with the financial specialist and the Gary Community School Corporation. Any consulting expenses will be paid out of the funds appropriated to the board.

(b) The board may do any of the following if the board selects a financial specialist to take financial control of the Gary Community School Corporation under subsection (a):

- (1) The board may work jointly with the city of Gary and the financial specialist to develop a financial plan for the Gary Community School Corporation.
- (2) The board may delay or suspend, for a period determined by the board, any payments of principal or interest, or both, that would otherwise be due from the Gary Community School Corporation on loans or advances from the common school fund.
- (3) The board may recommend to the state board of finance that the state board of finance make an interest free loan to the Gary Community School Corporation from the common school fund. If the board makes a recommendation that such a loan be made, the state board of finance may, notwithstanding IC 20-49, make such a loan for a term of not more than six (6) years."

Page 1, between lines 6 and 7, begin a new paragraph and insert:

"SECTION 2. IC 20-20-8-8, AS AMENDED BY P.L.213-2015, SECTION 159, AND AS AMENDED BY P.L.220-2015, SECTION 2, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) The report must include the following information:

- (1) Student enrollment.
- (2) Graduation rate (as defined in IC 20-26-13-6) *and the graduation rate excluding students that receive a graduation waiver under IC 20-32-4-4.*



- (3) Attendance rate.
- (4) The following test scores, including the number and percentage of students meeting academic standards:
- (A) *ISTEP program test scores. All state standardized assessment scores.*
 - (B) Scores for assessments under IC 20-32-5-21, if appropriate.
 - (C) For a freeway school, scores on a locally adopted assessment program, if appropriate.
- (5) Average class size.
- (6) *The school's performance category or designation of school improvement assigned under IC 20-31-8.*
- ~~(6)~~ (7) The number and percentage of students in the following groups or programs:
- (A) Alternative education, if offered.
 - (B) Career and technical education.
 - (C) Special education.
 - (D) High ability.
 - ~~(E) Remediation.~~
 - ~~(F)~~ (E) Limited English language proficiency.
 - ~~(G)~~ (F) Students receiving free or reduced price lunch under the national school lunch program.
 - ~~(H) School flex program, if offered.~~
- ~~(7)~~ (8) Advanced placement, including the following:
- (A) For advanced placement tests, the percentage of students:
 - (i) scoring three (3), four (4), and five (5); and
 - (ii) taking the test.
 - (B) For the Scholastic Aptitude Test:
 - (i) **the average** test scores for all students taking the test;
 - (ii) **the average** test scores for students completing the academic honors diploma program; and
 - (iii) the percentage of students taking the test.
- ~~(8)~~ (9) Course completion, including the number and percentage of students completing the following programs:
- (A) Academic honors diploma.
 - (B) Core 40 curriculum.
 - (C) Career and technical programs.
- ~~(9)~~ ~~(10)~~ The percentage of grade 8 students enrolled in algebra I.
- ~~(10)~~ *The percentage of graduates who pursue higher education.*
- ~~(11)~~ (10) *The percentage of graduates considered college and career ready in a manner prescribed by the state board.*
- (11) ~~(12)~~ School safety, including:



- (A) the number of students receiving suspension or expulsion for the possession of alcohol, drugs, or weapons;
 - (B) the number of incidents reported under IC 20-33-9; and
 - (C) the number of bullying incidents reported under IC 20-34-6 by category.
- (12) ~~(13)~~ Financial information and various school cost factors **including the following: required to be provided to the office of management and budget under IC 20-42.5-3-5.**
- (A) Expenditures per pupil.
 - (B) Average teacher salary.
 - (C) Remediation funding.
- ~~(13) Technology accessibility and use of technology in instruction.~~
- ~~(14) Interdistrict and intradistrict student mobility rates; if that information is available.~~
- ~~(15)~~ **(13)** The number and percentage of each of the following within the school corporation:
- (A) Teachers who are certificated employees (as defined in IC 20-29-2-4).
 - (B) Teachers who teach the subject area for which the teacher is certified and holds a license.
 - (C) Teachers with national board certification.
- ~~(16)~~ **(14)** The percentage of grade 3 students reading at grade 3 level.
- ~~(17)~~ **(15)** The number of students expelled, **including the number participating in other recognized education programs during their expulsion**, including the percentage of students expelled by race, grade, gender, free or reduced **price** lunch status, and eligibility for special education.
- ~~(18)~~ **(16)** Chronic absenteeism, which includes the number of students who have been absent from school for ten percent (10%) or more of a school year for any reason.
- ~~(19)~~ **(17)** Habitual truancy, which includes the number of students who have been absent ten (10) days or more from school within a school year without being excused or without being absent under a parental request that has been filed with the school.
- ~~(20)~~ **(18)** The number of students who have dropped out of school, including the reasons for dropping out, *including the percentage of students who have dropped out by race, grade, gender, free or reduced **price** lunch status, and eligibility for special education.*



~~(21)~~ **(19)** *The number of out of school suspensions assigned, including the percentage of students suspended by race, grade, gender, free or reduced price lunch status, and eligibility for special education.*

~~(22)~~ **(20)** *The number of in school suspensions assigned, including the percentage of students suspended by race, grade, gender, free or reduced price lunch status, and eligibility for special education.*

~~(21)~~ ~~(23)~~ **(21)** *The number of student work permits revoked.*

~~(22)~~ *The number of student driver's licenses revoked.*

~~(23)~~ *The number of students who have not advanced to grade 10 due to a lack of completed credits.*

~~(24)~~ *The number of students suspended for any reason.*

~~(25)~~ ~~(24)~~ **(22)** *The number of students receiving an international baccalaureate diploma.*

~~(26)~~ ~~(25)~~ *Other indicators of performance as recommended by the education roundtable under IC 20-19-4.*

(b) This subsection applies to schools, including charter schools, located in a county having a consolidated city, including schools located in excluded cities (as defined in IC 36-3-1-7). The information reported under subsection (a) must be disaggregated by race, grade, gender, free or reduced price lunch status, and eligibility for special education."

Page 2, delete lines 10 through 42.

Page 3, delete lines 1 through 9.

Page 3, between lines 28 and 29, begin a new paragraph and insert:
"SECTION 5. IC 20-26-5-37 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 37. (a) This section applies to school corporations and charter schools that are required to do any of the following:**

(1) Pay to the Internal Revenue Service employer and employee taxes imposed after June 30, 2016, under FICA.

(2) Pay to the department of state revenue amounts that are deducted and withheld as taxes after June 30, 2016, under IC 6-3-4-8.

(b) As used in this section, "delinquency" or "delinquent" refers to either of the following:

(1) Failing to pay FICA taxes within thirty (30) days after the taxes are due.

(2) Failing to pay to the department of state revenue amounts that are deducted and withheld as taxes under IC 6-3-4-8 after June 30, 2016, (including any known accrued interest and



penalties on those taxes) within thirty (30) days after the payment of those withheld taxes is due.

(c) As used in this section, "due date" refers to:

- (1) the date by which employer and employee taxes owed by a school corporation or a charter school under FICA must be paid to the Internal Revenue Service; or
- (2) the date by which amounts that are deducted and withheld as taxes under IC 6-3-4-8 must be paid to the department of state revenue;

as applicable.

(d) As used in this section, "FICA" refers to the Federal Insurance Contributions Act.

(e) As used in this section, "FICA taxes" refers to employer and employee taxes imposed after June 30, 2016, under FICA. The term includes any known accrued interest and penalties.

(f) If a school corporation or a charter school:

- (1) fails to pay FICA taxes in full to the Internal Revenue Service within thirty (30) days after the due date; or
- (2) fails to pay amounts that are deducted and withheld as taxes under IC 6-3-4-8 after June 30, 2016, (including any known accrued interest and penalties on those taxes) within thirty (30) days after the due date;

the school business official or school financial officer responsible for ensuring that a school corporation's or charter school's tax payments are made shall report the school corporation's or charter school's delinquency to the governing body of the school corporation or charter school not later than forty-five (45) days after the due date. The school official or school financial officer shall make a report under this subsection each time the school corporation or charter school fails to pay FICA taxes within thirty (30) days after the due date or fails to pay amounts that are deducted and withheld as taxes under IC 6-3-4-8 (including any known accrued interest and penalties on those taxes) within thirty (30) days after the due date.

(g) Not later than thirty (30) days after receiving a report under subsection (f), the governing body of the school corporation or charter school shall hold a public meeting at which:

- (1) the governing body shall provide a report on the school corporation's or charter school's failure to pay:
 - (A) FICA taxes; or
 - (B) amounts that are deducted and withheld as taxes under IC 6-3-4-8;



as applicable; and

(2) interested parties are permitted to testify regarding the school corporation's or charter school's failure to pay FICA taxes or amounts that are deducted and withheld as taxes under IC 6-3-4-8 (as applicable).

(h) This subsection applies if, within a three hundred sixty-five (365) day period, a school corporation or charter school is:

- (1) delinquent in paying FICA taxes two (2) or more times; or
- (2) delinquent in paying amounts that are deducted and withheld as taxes under IC 6-3-4-8 after June 30, 2016, two (2) or more times.

Not later than forty-five (45) days after a school corporation or charter school is delinquent for the second or subsequent time, the school corporation or charter school shall notify the department, the budget agency, and the distressed unit appeal board of the delinquency."

Page 6, delete lines 30 through 42.

Delete page 7.

Page 8, delete lines 1 through 28, begin a new paragraph and insert:

"SECTION 11. IC 20-28-4-12 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 12. Unless otherwise required under this chapter, an individual may enroll in a program and receive a transition to teaching license without passing a content area examination before admission to the program.**

SECTION 12. IC 20-28-5-3, AS AMENDED BY P.L.6-2012, SECTION 135, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) The department shall designate the grade point average required for each type of license.

(b) The department shall determine details of licensing not provided in this chapter, including requirements regarding the following:

- (1) The conversion of one (1) type of license into another.
- (2) The accreditation of teacher education schools and departments.
- (3) The exchange and renewal of licenses.
- (4) The endorsement of another state's license. **In endorsing another state's license held by a practitioner, the department shall grant the practitioner an Indiana license if the practitioner:**

- (A) has met the requirements for an Indiana license, whether or not the requirements were met in Indiana; or



(B) is certified by the National Board for Professional Teaching Standards.

- (5) The acceptance of credentials from teacher education institutions of another state.
- (6) The academic and professional preparation for each type of license.
- (7) The granting of permission to teach a high school subject area related to the subject area for which the teacher holds a license.
- (8) The issuance of licenses on credentials.
- (9) The type of license required for each school position.
- (10) The size requirements for an elementary school requiring a licensed principal.
- (11) Any other related matters.

The department shall establish at least one (1) system for renewing a teaching license that does not require a graduate degree.

(c) This subsection does not apply to an applicant for a substitute teacher license. After June 30, 2011, the department may not issue an initial practitioner license at any grade level to an applicant for an initial practitioner license unless the applicant shows evidence that the applicant:

- (1) has successfully completed training approved by the department in:
 - (A) cardiopulmonary resuscitation that includes a test demonstration on a mannequin;
 - (B) removing a foreign body causing an obstruction in an airway;
 - (C) the Heimlich maneuver; and
 - (D) the use of an automated external defibrillator;
- (2) holds a valid certification in each of the procedures described in subdivision (1) issued by:
 - (A) the American Red Cross;
 - (B) the American Heart Association; or
 - (C) a comparable organization or institution approved by the advisory board; or
- (3) has physical limitations that make it impracticable for the applicant to complete a course or certification described in subdivision (1) or (2).

The training in this subsection applies to a teacher (as defined in IC 20-18-2-22(b)).

(d) This subsection does not apply to an applicant for a substitute teacher license. After June 30, 2013, the department may not issue an initial teaching license at any grade level to an applicant for an initial



teaching license unless the applicant shows evidence that the applicant has successfully completed education and training on the prevention of child suicide and the recognition of signs that a student may be considering suicide.

(e) This subsection does not apply to an applicant for a substitute teacher license. After June 30, 2012, the department may not issue a teaching license renewal at any grade level to an applicant unless the applicant shows evidence that the applicant:

(1) has successfully completed training approved by the department in:

- (A) cardiopulmonary resuscitation that includes a test demonstration on a mannequin;
- (B) removing a foreign body causing an obstruction in an airway;
- (C) the Heimlich maneuver; and
- (D) the use of an automated external defibrillator;

(2) holds a valid certification in each of the procedures described in subdivision (1) issued by:

- (A) the American Red Cross;
- (B) the American Heart Association; or
- (C) a comparable organization or institution approved by the advisory board; or

(3) has physical limitations that make it impracticable for the applicant to complete a course or certification described in subdivision (1) or (2).

(f) The department shall periodically publish bulletins regarding:

- (1) the details described in subsection (b);
- (2) information on the types of licenses issued;
- (3) the rules governing the issuance of each type of license; and
- (4) other similar matters.

SECTION 13. IC 20-28-5-5, AS ADDED BY P.L.1-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. If a teacher who is a graduate of an accredited institution outside Indiana does not meet certain technical requirements for a license, the teacher may be granted ~~a the~~ particular type of license ~~and a reasonable amount of time to fulfill the requirements of the license granted: sought.~~

Page 10, line 3, after "(B)" insert "**with the permission of each student's parent,**".

Page 10, delete lines 11 through 42, begin a new paragraph and insert:



"SECTION 14. IC 20-32-10 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

Chapter 10. Work Ethic Certification

Sec. 1. Working with local employers, a local workforce investment board, or both, each school corporation may develop a program in which students develop work ethic skills necessary for success in higher education or employment, which may include the following:

- (1) Attendance and punctuality.
- (2) Academic success.
- (3) Organization and efficiency.
- (4) Initiative.
- (5) Respect for others.
- (6) Persistence.
- (7) Dependability.
- (8) Teamwork.
- (9) Community service.

Sec. 2. A graduating student who successfully completes the program shall be awarded a work ethic certificate.

Sec. 3. The department of workforce development, in consultation with the state workforce innovation council established under IC 22-4.1-22-3, shall adopt rules:

- (1) establishing model criteria for work ethic certification programs as a part of the state's college and career readiness standards; and
- (2) developing a standard work ethic certificate.

SECTION 15. [EFFECTIVE UPON PASSAGE] (a) The following portions of rules are void:

- (1) 511 IAC 10.1-3-3(2).
- (2) 511 IAC 10.1-3-4(2).
- (3) 511 IAC 10.1-3-5(2).
- (4) 511 IAC 10.1-3-6(2).
- (5) 511 IAC 16-4-2(b)(3).
- (6) 511 IAC 16-4-2(b)(5).
- (7) 511 IAC 16-4-2(f).

The publisher of the Indiana Administrative Code and the Indiana Register shall remove these provisions from the Indiana Administrative Code.

(b) This SECTION expires June 30, 2017.



SECTION 16. [EFFECTIVE UPON PASSAGE] (a) The legislative council is urged to assign the following topics to an appropriate study committee during the 2016 legislative interim:

- (1) Whether a newly authorized charter school should be required to establish an escrow account for closing expenses, and, if so, the amount of the account and control of the account.
- (2) Determining graduation rates, including the feasibility of amending the definition of "cohort" for purposes of determining graduation rates to exclude students who are pursuing a certificate of completion under an individualized education program.
- (3) Methods to ensure opportunities for secondary school students to earn college credits while enrolled in high school and to provide incentives for a teacher to obtain a master's degree or at least eighteen (18) hours of graduate course work in the subject matter the teacher is teaching or wishes to teach as part of a dual credit course, including:
 - (A) providing graduate programs that combine summer, evening, online, and weekend classes;
 - (B) completing a supervised practicum while teaching;
 - (C) encouraging primary and secondary schools to establish programs to mentor new teachers;
 - (D) offering scholarships for returning dual credit teachers; and
 - (E) providing flexibility to school corporations to establish pay scales that reflect the value of teachers with master's degrees.
- (4) The feasibility of allowing a school corporation and an individual teacher to voluntarily enter into an employment contract that contains terms that differ from the terms set forth in a collective bargaining agreement, and issues related to the topic.
- (5) The feasibility of allowing a school corporation to allow a student to receive elective credits for released time religious education, and the conditions under which the credits may be awarded.
- (6) Issues related to the establishment of special education scholarship accounts and a special education scholarship account fund.



(b) This SECTION expires December 31, 2016.
SECTION 17. An emergency is declared for this act."
Delete pages 11 through 13.
Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 93 as introduced.)

KRUSE, Chairperson

Committee Vote: Yeas 7, Nays 1.

SENATE MOTION

Madam President: I move that Senate Bill 93 be amended to read as follows:

Page 8, between lines 28 and 29, begin a new paragraph and insert:
"SECTION 7. IC 20-26-11-33 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 33. (a) Notwithstanding a policy adopted under section 32(a) of this chapter, a school corporation may accept a student who does not have legal settlement in the school corporation into a program with a focused curriculum.**

(b) A school corporation may decide which students to admit to a program with a focused curriculum without determining capacity or fulfilling any other requirements set forth in section 32 of this chapter."

Renumber all SECTIONS consecutively.

(Reference is to SB 93 as printed January 29, 2016.)

MILLER PETE

SENATE MOTION

Madam President: I move that Senate Bill 93 be amended to read as follows:

Page 6, between lines 1 and 2, begin a new paragraph and insert:
"SECTION 4. IC 20-23-17.2-3, AS AMENDED BY P.L.216-2015, SECTION 38, IS REPEALED [EFFECTIVE UPON PASSAGE]. **Sec.**

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3. (a) The governing body of the school corporation consists of nine (9) members who shall be elected as follows:

(1) One (1) member shall be elected from each of the school districts described in section 4 of this chapter. A member elected under this subdivision must reside within the boundaries of the district the member represents.

(2) Three (3) members, who must reside within the boundaries of the school corporation, shall be elected as at-large members.

(3) All members shall be elected on a nonpartisan basis.

(4) All members shall be elected at the general election held in the county in 2016 and each four (4) years thereafter.

(b) Upon assuming office and in conducting the business of the governing body, a member shall represent the interests of the entire school corporation.

SECTION 5. IC 20-23-17.2-3.1, AS ADDED BY P.L.222-2015, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 3.1. (a) After December 31, 2016, the governing body of the school corporation consists of five (5) members, elected as provided in this chapter.

(b) Three (3) members shall be elected as follows:

(1) From districts established as provided in section 4.1 of this chapter.

(2) On a nonpartisan basis.

(3) At the general election held in the county in ~~2016~~ **2018** and every four (4) years thereafter.

(c) Two (2) members shall be elected as follows:

(1) At large by all the voters of the school corporation.

(2) On a nonpartisan basis.

(3) At the general election held in the county in 2016 and every four (4) years thereafter.

(d) The term of office of a member of the governing body:

(1) is four (4) years; and

(2) begins January 1 after the election of members of the governing body.

(e) Upon assuming office and in conducting the business of the governing body, a member shall represent the interests of the entire school corporation.

SECTION 6. IC 20-23-17.2-3.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 3.3. (a) Notwithstanding section 3.1 of this chapter, as in effect on July 1, 2016, the members of the governing body described in section 3.1(b) of this chapter shall:**

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(1) be elected at the general election held in the county in 2016; and

(2) serve a term of two (2) years.

(b) The successors of the members of the governing body described in subsection (a) shall:

(1) be elected at the general election held in the county in 2018; and

(2) serve a term of four (4) years.

(c) This section expires January 1, 2023.

SECTION 7. IC 20-23-17.2-9 IS REPEALED [EFFECTIVE UPON PASSAGE]. Sec. 9: The members of the governing body of the school corporation shall be elected at the general election to be held in 2016 and every four (4) years thereafter."

Renumber all SECTIONS consecutively.

(Reference is to SB 93 as printed January 29, 2016.)

RANDOLPH LONNIE M

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Senate Bill 93, 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 4, strike lines 30 through 32.

Page 7, between lines 34 and 35, begin a new paragraph and insert:

"SECTION 9. IC 20-24-3-14, AS AMENDED BY P.L.280-2013, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 14. (a) This section applies to ~~university authorizers.~~ **state educational institutions described in IC 20-24-1-2.5(2).**

(b) Except as provided in subsection (c), the ultimate responsibility for choosing to authorize a charter school and responsibilities for maintaining authorization rest with the university's board of trustees.

(c) The university's board of trustees may vote to assign authorization authority and authorization responsibilities to another person or entity that functions under the direction of the university's board. A decision made under this subsection shall be communicated in writing to the department and the charter school review panel.



(d) Before a university may authorize a charter school, the university must conduct a public meeting with public notice in the county where the charter school will be located.

SECTION 10. IC 20-24-3-14.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 14.1. (a) This section applies to nonprofit colleges and universities described in IC 20-24-1-2.5(5).**

(b) Except as provided in subsection (c), the ultimate responsibility for choosing to authorize and for maintaining authorization rests with the nonprofit college's or university's board of trustees.

(c) Beginning January 1, 2017, the nonprofit college's or university's board of trustees shall assign authorization authority and authorization responsibilities to a separate legal entity that functions under the direction of the nonprofit college's or university's board. A decision made under this subsection shall be communicated in writing to the department and the state board.

(d) An entity created under subsection (c) is subject to the requirements of IC 5-14-1.5 and IC 5-14-3. Creation of an entity under subsection (c) by a nonprofit college or university described in IC 20-24-1-2.5(5) does not subject the nonprofit college or university itself to the requirements of IC 5-14-1.5 and IC 5-14-3 unless otherwise required by law.

(e) Before an entity created under subsection (c) may authorize a charter school, the entity must conduct a public meeting with public notice in the county where the charter school will be located."

Page 7, delete lines 35 through 42, begin a new paragraph and insert:

"SECTION 1. IC 20-24-7-15 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 15. A charter school is considered a school corporation for purposes of any state or federal funding opportunities administered by the department or any other state agency that are otherwise available to a school corporation as described in IC 20-18-2-16(a).**"

Page 8, delete lines 1 through 11.

Page 8, line 12, delete "IC 20-26-5-37" and insert "IC 20-26-5-37.2".

Page 8, line 14, delete "37." and insert "**37.2.**".

Page 10, delete lines 3 through 12, begin a new paragraph and insert:



"SECTION 11. IC 20-26-11-33 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 33. (a) Notwithstanding a policy adopted under section 32(a) of this chapter, a school corporation may accept a student who does not have legal settlement in the school corporation into an alternative education program (as defined in IC 20-30-8-1).**

(b) A school corporation that accepts students under subsection (a) of this chapter is not subject to the requirements set forth in section 32 of this chapter other than those requirements set forth in section 32(g), (h), (j), (k), and (l) of this chapter."

Page 13, line 11, delete "judgement" and insert "**judgment**".

Page 13, delete lines 20 through 42.

Delete page 14.

Page 15, delete lines 1 through 30.

Page 15, delete lines 38 through 42.

Delete page 16.

Page 17, delete lines 1 through 40, begin a new paragraph and insert:

"SECTION 22. IC 20-34-8-2, AS ADDED BY P.L.139-2014, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. As used in this chapter, "athletic activity" includes the following:

(1) An athletic contest or competition conducted between or among schools.

~~(2) An intramural athletic contest or competition that is sponsored by or associated with a school.~~

~~(3)~~ **(2)** Competitive and noncompetitive cheerleading that is sponsored by or associated with a school.

SECTION 23. IC 21-18-13-3, AS ADDED BY P.L.139-2014, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. As used in this chapter, "athletic activity" includes the following:

(1) An athletic contest or competition conducted between or among postsecondary educational institutions.

~~(2) An intramural athletic contest or competition that is sponsored by or associated with a postsecondary educational institution.~~

~~(3)~~ **(2)** Competitive and noncompetitive cheerleading that is sponsored by or associated with a postsecondary educational institution."

Page 18, delete lines 15 through 18.

Page 18, line 19, delete "(2)" and insert "**(1)**".



Page 18, line 24, delete "(3)" and insert "(2)".

Page 18, line 40, delete "(4)" and insert "(3)".

Page 19, delete lines 3 through 6.

Page 19, line 7, delete "(6)" and insert "(4)".

Page 19, between lines 9 and 10, begin a new line block indented and insert:

"(5) The extent that school corporation or school calendar influences the following:

(A) The development of Indiana's workforce through the impact on meaningful employment and internship opportunities for high school students.

(B) Access to dual credit courses offered to high school students through Indiana's institutions of higher learning.

(C) Access to professional development for teachers.

(D) Economic development opportunities and tax revenue impacts for state and local governments.

(E) Cost of operation of school corporations and schools.

(F) Access to supplemental meal programs for Indiana students during school breaks."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 93 as reprinted February 2, 2016.)

BEHNING

Committee Vote: yeas 12, nays 0.

HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 93 be amended to read as follows:

Page 7, between lines 34 and 35, begin a new paragraph and insert:

"SECTION 1. IC 20-24-3-5.5, AS AMENDED BY P.L.221-2015, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5.5. (a) This section applies to an authorizer that is not the executive of a consolidated city.

(b) Before issuing a charter, the authorizer must conduct a public hearing concerning the establishment of the proposed charter school. The public hearing must be held within ~~either the county~~ or the school corporation where the proposed charter school would be located. **If the location of the proposed charter school has not been identified, the**

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public hearing must be held within the county where the proposed charter school would be located. At the public hearing, the governing body of the school corporation in which the proposed charter school will be located must be given an opportunity to comment on the effect of the proposed charter school on the school corporation, including any foreseen negative impacts on the school corporation."

Page 8, line 8, strike "county" and insert "**school corporation**".

Page 8, line 8, after "located." insert "**If the location of the proposed charter school has not been identified, the public hearing must be held within the county where the proposed charter school would be located.**".

Page 8, line 31, delete "county" and insert "**school corporation**".

Page 8, line 31, after "located." insert "**If the location of the proposed charter school has not been identified, the public hearing must be held within the county where the proposed charter school would be located.**".

Renumber all SECTIONS consecutively.

(Reference is to ESB 93 as printed February 23, 2016.)

BEHNING

HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 93 be amended to read as follows:

Page 3, between lines 6 and 7, begin a new paragraph and insert:

"SECTION 2. IC 16-41-21.1 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

Chapter 21.1. Testing of Water in School Buildings

Sec. 1. As used in this chapter, "school building" means any building used for the classroom instruction of students in any grade from kindergarten through grade 12. The term includes buildings used by all public schools and private schools.

Sec. 2. Every school building shall be supplied with safe, potable water from:

- (1) a source; and
- (2) a distribution system;

approved by the commissioner of the department of environmental management, the state health commissioner, or the local board of



health or county health officer having jurisdiction where the school building is located.

Sec. 3. (a) At least once in each period of two (2) calendar years, the water available in each school building for drinking purposes shall be tested to ensure that it is healthful and free of contaminants, including lead, that could be injurious to human health.

(b) The testing required by subsection (a) shall be conducted by:

- (1) the commissioner of the department of environmental management;**
- (2) the state health commissioner; or**
- (3) the local board of health or county health officer having jurisdiction where the school building is located."**

Renumber all SECTIONS consecutively.

(Reference is to ESB 93 as printed February 23, 2016.)

BARTLETT

