

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.

## SENATE ENROLLED ACT No. 93

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AN ACT to amend the Indiana Code concerning education.

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

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.

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 by a public school (as defined in IC 20-18-2-15), including a charter school (as defined in IC 20-18-2-2.5), for the classroom instruction of students in any grade from kindergarten through grade 12.**

**Sec. 2. Every school building shall be supplied with safe, potable water from a public water system approved by the commissioner of the department of environmental management in accordance with IC 13-18-16.**

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 SEA 3-2016, SECTION 1, IS 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) 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.
- (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.

(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.

(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.

(10) The percentage of grade 8 students enrolled in algebra I.

(11) (10) The percentage of graduates considered college and career ready in a manner prescribed by the state board.

(12) (11) 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.

(13) (12) 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.

(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.
- (23) (21) The number of student work permits revoked.
- (24) (22) The number of students receiving an international baccalaureate diploma.

(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.

SECTION 5. IC 20-23-17.2-3, AS AMENDED BY P.L.216-2015, SECTION 38, IS REPEALED [EFFECTIVE UPON PASSAGE]. See:  
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 6. IC 20-23-17.2-3, AS AMENDED BY P.L.222-2015, SECTION 1, IS REPEALED [EFFECTIVE UPON PASSAGE]. See:

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 2012.

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

(c) This section expires January 1, 2017.

SECTION 7. 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 8. 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:**

- (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 9. IC 20-23-17.2-4 IS REPEALED [EFFECTIVE UPON PASSAGE]. See: 4. **(a) The boundaries of the districts from which members of the governing body of the school corporation are elected under section 3(a)(1) of this chapter are the same as the boundaries of the common council districts of the city that are drawn under IC 36-4-6.**

**(b) This section expires January 1, 2017.**

SECTION 10. IC 20-23-17.2-9 IS REPEALED [EFFECTIVE UPON PASSAGE]. See: 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.**

SECTION 11. IC 20-24-3-3, AS AMENDED BY P.L.280-2013, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. The organizer's constitution, charter, articles, or bylaws must contain a clause providing that upon ~~dissolution~~: **the cessation of operation of the charter school:**

- (1) the remaining assets of the charter school shall be distributed first to satisfy outstanding payroll obligations for employees of the charter school, then to creditors of the charter school, then to any**



outstanding debt to the common school fund; and

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

- (A) closure of the charter school;**
- (B) nonrenewal of the charter school's charter; or**
- (C) revocation of the charter school's charter.**

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

SECTION 12. 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 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.

SECTION 13. 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 school corporation** where the charter school will be located. **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.**

SECTION 14. 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 school corporation where the charter school will be located. 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.**

SECTION 15. 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).**

SECTION 16. IC 20-26-5-37.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 37.2. (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.

SECTION 17. 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) is not subject to the requirements set forth in section 32 of this chapter other than those requirements set forth in section 32(g), 32(h), 32(j), 32(k), and 32(l) of this chapter.

SECTION 18. IC 20-27-3-4, AS AMENDED BY P.L.107-2006, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) The committee has the following powers:

(1) The committee may adopt rules under IC 4-22-2 establishing standards for the construction of school buses and special purpose



buses, including minimum standards for the construction of school buses and special purpose buses necessary to be issued a:

- (A) valid certificate of inspection decal; and
- (B) temporary certificate of inspection decal described in IC 20-27-7-10.

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

- (A) valid certificate of inspection decal; and
- (B) temporary certificate of inspection decal described in IC 20-27-7-10.

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

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

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

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

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

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

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

(c) The certificate of inspection decals shall be issued to correspond with each school year. Each certificate of inspection decal expires on September 30 following the school year in which the certificate of inspection decal is effective. However, for buses that are described in IC 20-27-7-7, the certificate of inspection decal expires on a date that is not later than seven (7) months after the date of the first inspection for the particular school year.

SECTION 19. IC 20-27-8-1, AS AMENDED BY P.L.219-2015, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) An individual may not drive a school bus for the transportation of students or be employed as a school bus monitor



unless the individual satisfies the following requirements:

- (1) Is of good moral character.
- (2) Does not use intoxicating liquor during school hours.
- (3) Does not use intoxicating liquor to excess at any time.
- (4) Is not addicted to any narcotic drug.
- (5) Is at least:
  - (A) twenty-one (21) years of age for driving a school bus; or
  - (B) eighteen (18) years of age for employment as a school bus monitor.
- (6) In the case of a school bus driver, holds a valid public passenger chauffeur's license or commercial driver's license issued by the state or any other state.
- (7) Possesses the following required physical characteristics:
  - (A) Sufficient physical ability to be a school bus driver, as determined by the committee.
  - (B) The full normal use of both hands, both arms, both feet, both legs, both eyes, and both ears.
  - (C) Freedom from any communicable disease that:
    - (i) may be transmitted through airborne or droplet means; or
    - (ii) requires isolation of the infected person under 410 IAC 1-2.3.
  - (D) Freedom from any mental, nervous, organic, or functional disease that might impair the person's ability to properly operate a school bus.
  - (E) This clause does not apply to a school bus monitor. Visual acuity, with or without glasses, of at least 20/40 in each eye and a field of vision with one hundred fifty (150) degree minimum and with depth perception of at least eighty percent (80%) **or thirty-three (33) seconds of arc or less angle of stereopsis.**
- (b) This subsection applies to a school bus monitor. Notwithstanding subsection (a)(5)(B), a school corporation or school bus driver may not employ an individual who is less than twenty-one (21) years of age as a school bus monitor unless the school corporation or school bus driver does not receive a sufficient number of qualified applicants for employment as a school bus monitor who are at least twenty-one (21) years of age. A school corporation or school bus driver shall maintain a record of applicants, their ages, and their qualifications to show compliance with this subsection.

SECTION 20. IC 20-27-8-15, AS ADDED BY P.L.1-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 15. (a) The driver of a school bus for a public or



nonpublic school that is accredited by the state board shall have in the school bus driver's possession, while transporting passengers, a certificate that states the school bus driver has:

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

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

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

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

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

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

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

- (i) conviction for a felony or for a Class A misdemeanor that endangers the safety or safe transportation of a student; or**
- (ii) positive drug or alcohol test result that does not fall under the return to duty policy of the employing school corporation.**

**(B) A two (2) year revocation for a conviction for a Class B misdemeanor that endangers the safety or safe transportation of a student.**

**(C) A one (1) year revocation for a:**

- (i) conviction for a Class C misdemeanor; or**
- (ii) judgment for a Class A infraction; that endangers the safety or safe transportation of a student.**



**(D) A six (6) month revocation for a judgment for a Class B or Class C infraction that endangers the safety or safe transportation of a student.**

SECTION 21. 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 22. IC 20-28-9-25 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 25. For purposes of the federal teacher loan forgiveness program provided under 34 CFR 682.216(a)(4), "secondary school" includes any eligible elementary or secondary school at which a highly qualified teacher in a high needs area (as defined in 34 CFR 682.216(b)) is employed.**

SECTION 23. 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 24. 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.**

SECTION 25. [EFFECTIVE UPON PASSAGE] **(a) The following parts 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 26. [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) 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.
- (2) 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.
- (3) 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.
- (4) Issues related to the establishment of special education scholarship accounts and a special education scholarship account fund.
- (5) The extent that a 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.**

**(b) This SECTION expires December 31, 2016.**

**SECTION 27. An emergency is declared for this act.**



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President of the Senate

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President Pro Tempore

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Speaker of the House of Representatives

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

**SEA 93 — CC 1**

