



January 27, 2017

SENATE BILL No. 298

DIGEST OF SB 298 (Updated January 25, 2017 6:42 pm - DI 110)

Citations Affected: IC 20-26.

Synopsis: School employee background checks. Amends the time period by which a school corporation, charter school, or nonpublic school must conduct expanded criminal history checks for applicants for noncertificated employment or certificated employment. Requires a school corporation, charter school, or nonpublic school to conduct an expanded child protection index check concerning each applicant for noncertificated employment or certificated employment before or not later than two months after the applicant's employment. (Current law requires a school corporation, charter school, or nonpublic school to conduct an expanded child protection index check before or not later than three months after the applicant's employment.)

Effective: July 1, 2017.

**Alting, Kruse, Leising, Bassler,
Mrvan, Ford**

January 9, 2017, read first time and referred to Committee on Education and Career Development.

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

SB 298—LS 6434/DI 110



January 27, 2017

First Regular Session 120th General Assembly (2017)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2016 Regular Session of the General Assembly.

SENATE BILL No. 298

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

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

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

SB 298—LS 6434/DI 110



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

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

6 (c) A school corporation, including a charter school and a nonpublic
 7 school, shall administer a policy adopted under this section uniformly
 8 for all individuals to whom the policy applies. ~~A policy adopted under~~
 9 ~~this section must require that the school corporation, charter school, or~~
 10 ~~nonpublic school conduct an expanded criminal history check and an~~
 11 ~~expanded child protection index check concerning each applicant for~~
 12 ~~noncertificated employment or certificated employment before or not~~
 13 ~~later than three (3) months after the applicant's employment by the~~
 14 ~~school corporation, charter school, or nonpublic school.~~

15 **(d) A policy adopted under this section must require that the**
 16 **school corporation, charter school, or nonpublic school conduct an**
 17 **expanded criminal history check concerning each applicant for**
 18 **noncertificated employment or certificated employment:**

19 **(1) before the applicant's employment by the school**
 20 **corporation, charter school, or nonpublic school if the**
 21 **applicant is employed by the school corporation, charter**
 22 **school, or nonpublic school before July 15 for the school year**
 23 **beginning after June 30 of the same year or a subsequent**
 24 **school year; or**

25 **(2) before or not later than ten (10) days after the applicant's**
 26 **employment by the school corporation, charter school, or**
 27 **nonpublic school if the applicant is employed by the school**
 28 **corporation, charter school, or nonpublic school after July 15**
 29 **for the school year beginning after June 30 of the same year.**

30 **(e) A policy adopted under this section must require that the**
 31 **school corporation, charter school, or nonpublic school conduct an**
 32 **expanded child protection index check concerning each applicant**
 33 **for noncertificated employment or certificated employment before**
 34 **or not later than two (2) months after the applicant's employment**
 35 **by the school corporation, charter school, or nonpublic school.**

36 **(f) Each individual hired for noncertificated employment or**
 37 **certificated employment may be required to provide a written consent**
 38 **for the school corporation, charter school, or nonpublic school to**
 39 **request an expanded criminal history check and an expanded child**
 40 **protection index check concerning the individual before ~~or not later~~**
 41 **~~than three (3) months after~~ the individual's employment by the school**
 42 **corporation or school. The school corporation, charter school, or**



1 nonpublic school may require the individual to provide a set of
2 fingerprints and pay any fees required for the expanded criminal history
3 check and expanded child protection index check. Each applicant for
4 noncertificated employment or certificated employment may be
5 required at the time the individual applies to answer questions
6 concerning the individual's expanded criminal history check and
7 expanded child protection index check. The failure to answer honestly
8 questions asked under this subsection is grounds for termination of the
9 employee's employment. The applicant is responsible for all costs
10 associated with obtaining the expanded criminal history check and
11 expanded child protection index check. An applicant may not be
12 required by a school corporation, charter school, or nonpublic school
13 to obtain an expanded criminal history check or an expanded child
14 protection index check more than one (1) time during a five (5) year
15 period.
16 ~~(d)~~ (g) Information obtained under this section must be used in
17 accordance with law.



COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill No. 298, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 8, strike "A policy adopted under".

Page 2, strike lines 9 through 11.

Page 2, line 12, strike "noncertificated employment or certificated employment before".

Page 2, line 13, strike "the applicant's employment by the".

Page 2, line 14, strike "school corporation, charter school, or nonpublic school.", begin a new paragraph and insert:

"(d) A policy adopted under this section must require that the school corporation, charter school, or nonpublic school conduct an expanded criminal history check concerning each applicant for noncertificated employment or certificated employment:

(1) before the applicant's employment by the school corporation, charter school, or nonpublic school if the applicant is employed by the school corporation, charter school, or nonpublic school before July 15 for the school year beginning after June 30 of the same year or a subsequent school year; or

(2) before or not later than ten (10) days after the applicant's employment by the school corporation, charter school, or nonpublic school if the applicant is employed by the school corporation, charter school, or nonpublic school after July 15 for the school year beginning after June 30 of the same year.

(e) A policy adopted under this section must require that the school corporation, charter school, or nonpublic school conduct an expanded child protection index check concerning each applicant for noncertificated employment or certificated employment before or not later than two (2) months after the applicant's employment by the school corporation, charter school, or nonpublic school.

(f)".



Page 2, line 36, strike "(d)" and insert "(g)".

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

(Reference is to SB 298 as introduced.)

KRUSE, Chairperson

Committee Vote: Yeas 9, Nays 0.

