



February 7, 2017

SENATE BILL No. 298

DIGEST OF SB 298 (Updated February 2, 2017 12:31 pm - DI 120)

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.

February 6, 2017, amended, reported favorably — Do Pass.

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February 7, 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

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

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

6 (c) 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 start date of the applicant's employment by the
 20 school 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 thirty (30) days after the start date
 26 of the applicant's employment by the school corporation,
 27 charter school, or nonpublic school if the applicant is
 28 employed by the school corporation, charter school, or
 29 nonpublic school after July 14 for the school year beginning
 30 after June 30 of the same year.

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

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



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

17 (d) (g) Information obtained under this section must be used in
18 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.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, 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 19, after "before the" insert "**start date of the**".

Page 2, line 25, delete "ten (10)" and insert "**thirty (30)**".

Page 2, line 25, after "the" insert "**start date of the**".

Page 2, line 28, delete "July 15" and insert "**July 14**".

and when so amended that said bill do pass.

(Reference is to SB 298 as printed January 27, 2017.)

KENLEY, Chairperson

Committee Vote: Yeas 11, Nays 0.

