



April 8, 2019

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# ENGROSSED SENATE BILL No. 390

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DIGEST OF SB 390 (Updated April 8, 2019 1:45 pm - DI 116)

**Citations Affected:** IC 20-29; IC 20-32.

**Synopsis:** Education matters. Provides that if: (1) a school employee files a complaint that alleges that an exclusive representative or school employer has engaged in certain unfair practices; and (2) the Indiana education employment relations board determines that the exclusive representative or school employer engaged in the unfair practice; the board may assess a civil penalty of at least \$500 but not more than \$5,000 for each violation. Provides that, in the case of collective bargaining conducted by a school employer, the school employer shall negotiate collective bargaining agreements in public in accordance with the open door law. Provides that the parties may meet not more than three times to negotiate in private, but the discussion must take place after the parties conduct at least one collective bargaining session  
(Continued next page)

**Effective:** April 21, 2019 (retroactive); July 1, 2019.

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## Houchin, Raatz, Kruse

(HOUSE SPONSORS — GOODRICH, HUSTON)

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January 14, 2019, read first time and referred to Committee on Education and Career Development.

February 21, 2019, reported favorably — Do Pass.

February 25, 2019, read second time, ordered engrossed. Engrossed.

February 26, 2019, read third time, passed. Yeas 33, nays 16.

### HOUSE ACTION

March 5, 2019, read first time and referred to Committee on Education.

April 8, 2019, amended, reported — Do Pass.

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## Digest Continued

in public. Requires the school employer to conduct at least one public hearing to discuss a tentative collective bargaining agreement at least 48 hours before it is ratified. Provides that notice of the public hearing and a tentative collective bargaining agreement must be posted on the school employer's Internet web site at least 48 hours before conducting a public hearing to discuss the tentative agreement. Provides that the department of education (department), with the approval of the technical advisory committee, shall make every reasonable attempt to provide the same voice-to-text, screen reader, and human reader accommodations to a particular student on every section of the statewide examination that the particular student receives for classroom instruction or which is provided as part of the student's individualized education program.



April 8, 2019

First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

## ENGROSSED SENATE BILL No. 390

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

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

1 SECTION 1. IC 20-29-6-1, AS AMENDED BY P.L.48-2011,  
2 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2019]: Sec. 1. **(a)** School employers and school employees  
4 shall:  
5 (1) have the obligation and the right to bargain collectively the  
6 items set forth in section 4 of this chapter;  
7 (2) have the right and obligation to discuss any item set forth in  
8 section 7 of this chapter; and  
9 (3) enter into a contract embodying any of the matters listed in  
10 section 4 of this chapter on which they have bargained  
11 collectively.  
12 **(b) Notwithstanding any other law, school employers and school**  
13 **employees shall negotiate the matters described in subsection (a)(1)**  
14 **during the time period for formal collective bargaining established**  
15 **in section 12 of this chapter in public in accordance with**  
16 **IC 5-14-1.5. During the period of formal collective bargaining**  
17 **established in section 12 of this chapter, the parties may meet not**

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1 more than three (3) times for negotiating in private, but the  
 2 discussion must take place after the school employer conducts at  
 3 least one (1) collective bargaining session in public. This subsection  
 4 may not be construed to require that informal negotiations or  
 5 mediations conducted with respect to collective bargaining under  
 6 this chapter must be held in public.

7 SECTION 2. IC 20-29-6-19, AS ADDED BY P.L.148-2012,  
 8 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 9 JULY 1, 2019]: Sec. 19. (a) In addition to having collective  
 10 bargaining sessions conducted in public as described in section 1(b)  
 11 of this chapter, the school employer must conduct a public hearing  
 12 and take public testimony to discuss a tentative collective  
 13 bargaining agreement at least forty-eight (48) hours before it is  
 14 ratified by the school employer.

15 (b) Notice of the time and the location of the public hearing and  
 16 a tentative collective bargaining agreement established under this  
 17 chapter must be posted on the school employer's Internet web site  
 18 at least forty-eight (48) hours prior to the public hearing described  
 19 in subsection (a).

20 (c) Not later than fourteen (14) business days after the parties have  
 21 reached an agreement under this chapter, the school employer shall  
 22 post the contract upon which the parties have agreed on the school  
 23 employer's Internet web site.

24 SECTION 3. IC 20-29-7-5 IS ADDED TO THE INDIANA CODE  
 25 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 26 1, 2019]: Sec. 5. If:

- 27 (1) a complaint is filed that alleges that a school employer or  
 28 an exclusive representative has engaged in an unfair practice  
 29 described in section 1(a)(1) or 2(1)(A) of this chapter; and  
 30 (2) the board determines that the school employer or exclusive  
 31 representative engaged in the unfair practice in violation of  
 32 section 1(a)(1) or 2(1)(A) of this chapter, whichever is  
 33 applicable;

34 the board may assess a civil penalty of at least five hundred dollars  
 35 (\$500) but not more than five thousand dollars (\$5,000) for each  
 36 violation.

37 SECTION 4. IC 20-32-5.1-18.5 IS ADDED TO THE INDIANA  
 38 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 39 [EFFECTIVE APRIL 21, 2019 (RETROACTIVE)]: Sec. 18.5. (a) The  
 40 department, with the approval of the technical advisory committee  
 41 (TAC), shall make every reasonable attempt to provide the same  
 42 voice-to-text, screen reader, and human reader accommodations



1 to a particular student on every section of the statewide  
2 examination that the particular student receives for classroom  
3 instruction or which is provided as part of the student's  
4 individualized education program.

5 (b) Not later than January 1, 2020, the department, with the  
6 approval of the technical advisory committee (TAC), shall provide  
7 the same voice-to-text, screen reader, and human reader  
8 accommodations to students on every section of the statewide  
9 examination that the particular student has for classroom  
10 instruction or which is provided as part of the student's  
11 individualized education program.

12 SECTION 5. 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. 390, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 390 as introduced.)

RAATZ, Chairperson

Committee Vote: Yeas 8, Nays 1

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Senate Bill 390, 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 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 20-29-6-1, AS AMENDED BY P.L.48-2011, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) School employers and school employees shall:

- (1) have the obligation and the right to bargain collectively the items set forth in section 4 of this chapter;
- (2) have the right and obligation to discuss any item set forth in section 7 of this chapter; and
- (3) enter into a contract embodying any of the matters listed in section 4 of this chapter on which they have bargained collectively.

**(b) Notwithstanding any other law, school employers and school employees shall negotiate the matters described in subsection (a)(1) during the time period for formal collective bargaining established in section 12 of this chapter in public in accordance with IC 5-14-1.5. During the period of formal collective bargaining established in section 12 of this chapter, the parties may meet not more than three (3) times for negotiating in private, but the discussion must take place after the school employer conducts at least one (1) collective bargaining session in public. This subsection may not be construed to require that informal negotiations or**

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**mediations conducted with respect to collective bargaining under this chapter must be held in public.**

SECTION 2. IC 20-29-6-19, AS ADDED BY P.L.148-2012, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 19. (a) **In addition to having collective bargaining sessions conducted in public as described in section 1(b) of this chapter, the school employer must conduct a public hearing and take public testimony to discuss a tentative collective bargaining agreement at least forty-eight (48) hours before it is ratified by the school employer.**

(b) **Notice of the time and the location of the public hearing and a tentative collective bargaining agreement established under this chapter must be posted on the school employer's Internet web site at least forty-eight (48) hours prior to the public hearing described in subsection (a).**

(c) **Not later than fourteen (14) business days after the parties have reached an agreement under this chapter, the school employer shall post the contract upon which the parties have agreed on the school employer's Internet web site."**

Page 1, line 4, delete "school employee files a".

Page 1, line 4, after "complaint" insert "**is filed**".

Page 1, line 4, after "alleges that" insert "**a school employer or**".

Page 1, line 6, after "section" insert "**1(a)(1) or**".

Page 1, line 7, after "that the" insert "**school employer or**".

Page 1, line 8, after "section" insert "**1(a)(1) or**".

Page 1, line 9, delete "chapter;" and insert "**chapter, whichever is applicable;**".

Page 1, after line 12, begin a new paragraph and insert:

"SECTION 2. IC 20-32-5.1-18.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE APRIL 21, 2019 (RETROACTIVE)]: **Sec. 18.5. (a) The department, with the approval of the technical advisory committee (TAC), shall make every reasonable attempt to provide the same voice-to-text, screen reader, and human reader accommodations to a particular student on every section of the statewide examination that the particular student receives for classroom instruction or which is provided as part of the student's individualized education program.**

(b) **Not later than January 1, 2020, the department, with the approval of the technical advisory committee (TAC), shall provide the same voice-to-text, screen reader, and human reader accommodations to students on every section of the statewide**



**examination that the particular student has for classroom instruction or which is provided as part of the student's individualized education program.**

**SECTION 3. An emergency is declared for this act."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 390 as printed February 22, 2019.)

BEHNING

Committee Vote: yeas 8, nays 3.

