



Reprinted  
April 13, 2021

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## ENGROSSED SENATE BILL No. 413

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DIGEST OF SB 413 (Updated April 12, 2021 4:57 pm - DI 116)

**Citations Affected:** IC 4-3; IC 20-18; IC 20-26; IC 20-26.5; IC 20-29; IC 20-30; IC 20-32; IC 20-37; IC 20-48; noncode.

**Synopsis:** Education matters. Requires the state board of education to assign to a school or school corporation (including adult high schools) a "null" or "no letter grade" for the 2020-2021 school year. Provides that the management performance hub (MPH) shall establish and maintain a program to make government information available to the general assembly and the legislative services agency (in addition to other agencies and entities listed in current law). Makes changes to the duties of the MPH. Makes changes to the duties of the chief data officer of the MPH. Provides that the chief data officer of the MPH shall serve as the state data ombudsman. Provides that the state data ombudsman shall take all actions necessary or appropriate to facilitate the maximum  
(Continued next page)

**Effective:** Upon passage; July 1, 2020 (retroactive); July 1, 2021.

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### Raatz, Kruse, Rogers

(HOUSE SPONSORS — BEHNING, PRESCOTT)

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January 25, 2021, read first time and referred to Committee on Education and Career Development.

February 11, 2021, amended, reported favorably — Do Pass; reassigned to Committee on Appropriations.

February 18, 2021, amended, reported favorably — Do Pass.

February 22, 2021, read second time, ordered engrossed. Engrossed.

February 23, 2021, read third time, passed. Yeas 32, nays 15.

#### HOUSE ACTION

March 4, 2021, read first time and referred to Committee on Education.

April 8, 2021, amended, reported — Do Pass.

April 12, 2021, read second time, amended, ordered engrossed.

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ES 413—LS 7229/DI 120



## Digest Continued

amount of data sharing of government information consistent with privacy and confidentiality laws. Establishes the MPH data advisory committee. Defines "school based enterprise". Provides that an applicable high school shall comply with all rules of the fire prevention and building safety commission applicable to the primary use of the building. Provides that, if a student is enrolled to attend in-person instruction at a school and the student participates in any virtual instruction or remote learning that is provided by the school, the school shall ensure that the virtual instruction or remote learning meets certain requirements. Provides that if a governing body passes a resolution to close a high school within the school corporation, the governing body shall develop a plan relating to the preservation or transfer of memorabilia, trophies, or other property that may have historical significance. Provides that, if a school corporation denies a student's enrollment in a course access program course, the school corporation shall notify the department of education, in a manner prescribed by the department, of the reason the student was denied enrollment. Provides that a benchmark, formative, interim, or similar assessment administered to students in grades 8 through 10 may show alignment, verified by a third party, to the nationally recognized college entrance exam. Requires parties to a collective bargaining agreement to certify to the Indiana education employment relations board that certain public meetings have occurred. Provides that a governing body may not increase the debt service fund levy to pay for the interest on warrants unless the warrants have been authorized by the governing body in a resolution adopted at a public meeting in the year immediately preceding the year in which the warrants will be issued. Establishes a panel to study charter school funding and methods for improving school building utilization by a school corporation. Repeals a provision that requires the department of education to annually prepare a report that includes certain information regarding the coalition of continuous improvement school districts.

**ES 413—LS 7229/DI 120**



Reprinted  
April 13, 2021

First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

## ENGROSSED SENATE BILL No. 413

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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 4-3-26-9, AS ADDED BY P.L.269-2017,  
2 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2021]: Sec. 9. (a) The governor shall appoint a chief data  
4 officer, who serves at the pleasure of the governor.  
5 (b) The chief data officer shall do the following:  
6 (1) Serve as the executive head of the MPH.  
7 (2) Advise executive state agencies and political subdivisions  
8 regarding state best practices concerning the creation and  
9 maintenance of data.  
10 (3) Coordinate data analytics and transparency master planning  
11 for the executive state agencies and provide leadership regarding  
12 state data analytics and transparency.  
13 (4) **Serve as the state data ombudsman under IC 4-3-26.1.**  
14 (5) **Provide for the review of the MPH policies, procedures,**  
15 **and practices by the MPH data advisory committee.**

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**(6) Develop and maintain a data catalog of available data sets which shall be made available on the MPH's Internet web site.**

SECTION 2. IC 4-3-26-10, AS ADDED BY P.L.269-2017, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 10. The MPH shall do the following:

(1) Establish and maintain a program to collect, analyze, and exchange government information ~~in carrying~~ **to do the following:**

**(A) Carry** out the powers and duties of the OMB and the powers and duties of the executive state agency sharing the data.

**(B) Provide data from executive state agencies and, if not in the possession of the MPH, facilitate the providing of data from executive state agencies to the general assembly and its members, staff, and agencies necessary or appropriate to carry out the legislative functions of the state.**

In carrying out this program, the MPH may, in accordance with IC 4-1-6, obtain government information from each executive state agency.

(2) In accordance with **applicable laws including IC 2-5-1.1-5, IC 2-5-1.7, IC 4-1-6, and IC 5-14-3**, establish and maintain a program to make government information available to executive state agencies, **members and staff of the general assembly, the legislative services agency**, political subdivisions, educational institutions, researchers, nongovernmental organizations, and the general public, subject to the following:

(A) A request for data subject to IC 4-1-6-8.6 shall be made in conformance with that section.

**(B) A request by the legislative services agency for government information subject to IC 2-5-1.7 shall be made and the information provided in conformity with that chapter.**

**(C) A request by a member of the general assembly or staff of the house of representatives or senate for government information subject to IC 2-5-1.7 shall be made in the same manner as a request made by the legislative services agency under IC 2-5-1.7.**

~~(B)~~ **(D)** A program established and maintained under this chapter must include policies governing access to government information held by the MPH under this chapter. Government information may be made available only in accordance with



- 1 applicable confidentiality and disclosure laws.
- 2 (3) Establish privacy and quality policies for government  
3 information that comply with all applicable Indiana and federal  
4 laws, rules, and policies.
- 5 (4) In accordance with standards developed by the office of  
6 technology established by IC 4-13.1-2-1, establish and maintain  
7 a program to ensure the security of government information under  
8 this chapter.
- 9 (5) Conduct operational and procedural audits of executive state  
10 agencies.
- 11 (6) Perform financial planning and design and implement  
12 efficiency projects for executive state agencies.
- 13 (7) Advise and assist each executive state agency to identify and  
14 implement continuous process improvement in state government.
- 15 (8) Carry out such other responsibilities as may be designated by  
16 the director of the OMB or the chief data officer to carry out the  
17 responsibilities of the OMB or the chief data officer.
- 18 **(9) Establish and maintain a data library that describes and  
19 documents the data sets and fields in the data sets that are  
20 possessed by the MPH and each executive state agency. The  
21 MPH shall provide access to the data library to the legislative  
22 services agency and members and staff of the general  
23 assembly.**
- 24 SECTION 3. IC 4-3-26-11, AS ADDED BY P.L.269-2017,  
25 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
26 JULY 1, 2021]: Sec. 11. Each executive state agency shall do the  
27 following:
- 28 (1) In a manner determined by the MPH, make available to the  
29 MPH the government information the MPH requires under this  
30 chapter in a nonproprietary format.
- 31 (2) As requested by the MPH, make available personnel with  
32 **subject matter or** technical expertise to facilitate sharing of  
33 government information.
- 34 SECTION 4. IC 4-3-26-17 IS ADDED TO THE INDIANA CODE  
35 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
36 1, 2021]: Sec. 17. **(a) As used in this section, "committee" refers to  
37 the MPH data advisory committee.**
- 38 **(b) The MPH data advisory committee is established.**
- 39 **(c) The committee consists of the following nine (9) members:**
- 40 **(1) The executive director of the legislative services agency or  
41 the executive director's designee, who shall serve as a  
42 nonvoting member.**



- 1           **(2) One (1) member of the house of representatives appointed**  
 2           **by the speaker of the house of representatives.**  
 3           **(3) One (1) member of the house of representatives appointed**  
 4           **by the minority leader of the house of representatives.**  
 5           **(4) One (1) member of the senate appointed by the president**  
 6           **pro tempore of the senate.**  
 7           **(5) One (1) member of the senate appointed by the minority**  
 8           **leader of the senate.**  
 9           **(6) The following four (4) members appointed jointly by the**  
 10          **speaker of the house of representatives and the president pro**  
 11          **tempore of the senate:**  
 12               **(A) One (1) member who represents an Indiana based**  
 13               **philanthropic organization.**  
 14               **(B) One (1) member who represents an Indiana based**  
 15               **nonprofit organization that has knowledge in using data to**  
 16               **connect job seekers, educational institutions, and**  
 17               **employers to advance Indiana's skilled workforce.**  
 18               **(C) One (1) member who represents a business or industry**  
 19               **with knowledge of education and workforce policy.**  
 20               **(D) One (1) member who represents an Indiana based**  
 21               **grant making foundation with a mission to advance health**  
 22               **and education.**  
 23          **(d) A member of the committee appointed under subsection**  
 24          **(c)(6):**  
 25               **(1) serves for a term of four (4) years; and**  
 26               **(2) may be removed from the committee by the member's**  
 27               **appointing authority for just cause.**  
 28          **Vacancies in the appointments to the committee shall be filled by**  
 29          **the appointing authority. A member appointed under this**  
 30          **subsection serves for the remainder of the unexpired term.**  
 31          **(e) The members appointed under subsection (c)(2) and (c)(4)**  
 32          **shall alternate serving as the chairperson of the committee every**  
 33          **other year, with the member appointed under subsection (c)(2)**  
 34          **serving as chairperson the first year of the committee. The**  
 35          **committee shall meet at the call of the chairperson.**  
 36          **(f) The committee shall meet on the call of the chairperson. The**  
 37          **chairperson shall develop the agenda for committee meetings in**  
 38          **consultation with the alternate chairperson described in subsection**  
 39          **(e). The chairperson is responsible for establishing agendas for**  
 40          **committee meetings after receiving and considering recommended**  
 41          **agenda items from the members of the committee and the chief**  
 42          **data officer.**



1 (g) Five (5) members of the committee constitute a quorum. The  
2 affirmative vote of at least a majority of the members of the  
3 committee is necessary for the committee to take official action.

4 (h) The legislative services agency shall staff the committee. The  
5 MPH shall assist the committee as provided by this chapter, as  
6 provided by IC 4-3-26.1, and as requested by the chairperson of the  
7 committee to carry out the responsibilities of the committee. As  
8 requested by the chairperson of the committee, executive state  
9 agencies shall do the following:

10 (1) In a manner determined by the chairperson of the  
11 committee, make available to the committee the government  
12 information the committee requires under this chapter in a  
13 nonproprietary format.

14 (2) As requested by the chairperson of the committee, make  
15 available personnel with subject matter expertise and  
16 personnel with technical expertise to facilitate sharing of  
17 government information.

18 The committee shall work with executive state agencies to carry  
19 out the responsibilities of the committee without unreasonably  
20 interfering with the primary responsibilities of the executive state  
21 agencies or requiring the employment of additional employees or  
22 contractors not otherwise budgeted for the purposes of this  
23 chapter.

24 (i) Expenses of the committee shall be paid from appropriations  
25 to the legislative council for legislator and lay member travel or, as  
26 determined by the personnel subcommittee of the legislative  
27 council, another appropriation to the legislative council and  
28 legislative services agency.

29 (j) Each member of the committee who is not a state employee  
30 is entitled to the same per diem, mileage, and other reimbursement  
31 for actual expenses incurred in connection with the member's  
32 duties paid to lay members of interim study committees established  
33 by the legislative council.

34 (k) Each member of the committee who is a state employee but  
35 who is not a member of the general assembly is not entitled to per  
36 diem but is entitled to reimbursement for traveling expenses and  
37 other expenses actually incurred in connection with the member's  
38 duties as provided in the policies and procedures adopted by the  
39 legislative council.

40 (l) Each member of the committee who is a member of the  
41 general assembly is entitled to receive the same per diem, mileage,  
42 and travel allowances paid to legislative members of interim study



1 **committees established by the legislative council.**

2 SECTION 5. IC 4-3-26-18 IS ADDED TO THE INDIANA CODE  
3 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
4 1, 2021]: **Sec. 18. (a) As used in this section, "committee" refers to  
5 the MPH data advisory committee.**

6 **(b) The committee shall do the following:**

7 **(1) Review the MPH procedures, policies, and practices for  
8 the collection, retention, use, and disclosure of governmental  
9 information, including procedures and safeguards to protect  
10 the privacy, integrity, confidentiality, and availability of data.**

11 **(2) Review the MPH procedures, policies, and practices to  
12 ensure compliance with state and federal privacy laws.**

13 **(3) Review the adequacy of executive state agency government  
14 information systems, collection practices, and policies and  
15 practices to meet requests for data sharing.**

16 **(4) Facilitate the resolution of data sharing issues not resolved  
17 by the state data ombudsman and any other data sharing  
18 matters.**

19 **(5) Advise the MPH on the development and maintenance of  
20 a data library.**

21 **(6) Study what additional data sets that are not possessed by  
22 the MPH should be provided to the MPH and whether the  
23 number of memorandums of understanding can be reduced  
24 and standardized to facilitate data sharing.**

25 **(7) Study whether an independent or nonpartisan entity  
26 should perform the functions of the MPH described under  
27 IC 4-3-26-10(1) through IC 4-3-26-10(4).**

28 **(8) Make recommendations to the MPH, executive state  
29 agencies, and the legislative council to facilitate  
30 implementation of best practices in sharing and protecting  
31 data in state government.**

32 **(9) Advise the chief data officer as requested by the chief data  
33 officer.**

34 **(c) Before November 1 of each year, the committee shall provide  
35 a report to the legislative council describing the activities, findings,  
36 and recommendations of the committee. The report must be  
37 submitted to the executive director of the legislative services  
38 agency in an electronic format under IC 5-14-6.**

39 SECTION 6. IC 4-3-26.1 IS ADDED TO THE INDIANA CODE  
40 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
41 JULY 1, 2021]:

42 **Chapter 26.1. State Data Ombudsman**

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1           **Sec. 1.** The definitions in IC 4-3-26 apply throughout this  
2 chapter.

3           **Sec. 2.** As used in this chapter, "committee" refers to the MPH  
4 data advisory committee established by IC 4-3-26-17.

5           **Sec. 3.** As used in this chapter, "legislative data sharing request"  
6 refers to a request for government information made by a member  
7 of the general assembly or staff of the house of representatives or  
8 the senate for the purpose of carrying out the responsibilities of the  
9 general assembly and its members.

10           **Sec. 4.** As used in this chapter, "ombudsman" refers to the state  
11 data ombudsman described in section 5 of this chapter.

12           **Sec. 5.** The chief data officer appointed under IC 4-3-26-9 shall  
13 serve as the state data ombudsman.

14           **Sec. 6.** The ombudsman shall take all actions necessary or  
15 appropriate to facilitate the maximum amount of data sharing of  
16 government information consistent with privacy and  
17 confidentiality laws.

18           **Sec. 7.** A legislative data sharing request may be submitted to  
19 the ombudsman for government information in the possession of  
20 the MPH or in another executive state agency. If the requested  
21 governmental information is not in the possession of the MPH, the  
22 ombudsman shall work with the executive state agency possessing  
23 the information to provide the information. The committee may  
24 establish standards for the submission of a particular request  
25 under this section. Absent a documented reason for the delay, the  
26 ombudsman shall provide the requestor with the requested  
27 government information not later than thirty (30) days after  
28 receiving the request. However, after the general assembly's  
29 organizational meeting and during a session of the general  
30 assembly, the MPH and any other executive state agency with the  
31 government information shall work with the requestor to provide  
32 the information as soon as practicable in less than thirty (30) days,  
33 as needed, to accommodate the legislative schedule.

34           **Sec. 8.** As soon as feasible after receiving a legislative data  
35 sharing request and not later than five (5) business days after  
36 receiving the request the ombudsman shall inform the requestor of  
37 the following:

- 38           (1) What information is available to the MPH.  
39           (2) A description of what steps the MPH will need to take to  
40 fulfill the data request.  
41           (3) The time frame in which the information will be available  
42 to the requestor.



1           **(4) A description of any obstacles that might delay or limit the**  
 2           **delivery of the requested government information.**

3           **If one (1) or more obstacles will delay or limit delivery of the**  
 4           **requested information, the ombudsman shall facilitate the**  
 5           **resolution of the matters. If a request for data by a member of the**  
 6           **general assembly takes longer than originally determined by the**  
 7           **MPH, the ombudsman shall communicate to the requestor what**  
 8           **steps the MPH is taking to fulfill the data request and provide an**  
 9           **updated time frame in which the data request will be available to**  
 10           **the member of the general assembly.**

11           **Sec. 9. Each executive state agency shall, to the greatest extent**  
 12           **possible under the law, promptly and timely cooperate with the**  
 13           **ombudsman to resolve any data issues relating to a legislative data**  
 14           **sharing request.**

15           **Sec. 10. If the requestor making a legislative data sharing**  
 16           **request and the ombudsman cannot agree on a satisfactory**  
 17           **resolution of the request, the ombudsman or the requestor, or both**  
 18           **may submit the matter to the committee. The committee shall**  
 19           **review the matter and advise the requestor and the ombudsman on**  
 20           **how the matter may be resolved.**

21           **Sec. 11. Nothing in this section may be construed to prevent a**  
 22           **state agency from complying with federal or state privacy or**  
 23           **confidentiality requirements relating to data maintained by the**  
 24           **MPH or any other state agency.**

25           **SECTION 7. IC 20-18-2-15.5 IS ADDED TO THE INDIANA**  
 26           **CODE AS A NEW SECTION TO READ AS FOLLOWS**  
 27           **[EFFECTIVE JULY 1, 2021]: Sec. 15.5. "School based enterprise"**  
 28           **means a program that:**

29           **(1) includes interactions with customers or clients;**

30           **(2) is a career based course; and**

31           **(3) includes ongoing business training provided by a teacher.**

32           **SECTION 8. IC 20-26-5-40.2 IS ADDED TO THE INDIANA**  
 33           **CODE AS A NEW SECTION TO READ AS FOLLOWS**  
 34           **[EFFECTIVE JULY 1, 2021]: Sec. 40.2. (a) If a governing body**  
 35           **passes a resolution to close a high school within the school**  
 36           **corporation, the governing body shall develop a plan relating to the**  
 37           **preservation or transfer of memorabilia, trophies, or other**  
 38           **property that may have historical significance, as determined by**  
 39           **the governing body.**

40           **(b) The plan described in subsection (a) must be made available**  
 41           **for public inspection and posted on the school corporation's**  
 42           **Internet web site.**



1 SECTION 9. IC 20-26.5-2-5 IS REPEALED [EFFECTIVE UPON  
2 PASSAGE]. Sec. 5: Not later than November 1, 2019; and not later  
3 than November 1 of each year thereafter, the department shall report to  
4 the legislative council annually in an electronic format under IC 5-14-6  
5 regarding the following:

6 (1) The fiscal impact on each coalition member of the member's  
7 participation in a coalition;

8 (2) The qualifications of each teacher who teaches in a coalition;  
9 as follows:

10 (A) Whether the teacher holds a license under IC 20-28;

11 (B) Whether the teacher is paid by:

12 (i) a coalition member; or

13 (ii) another employer;

14 (3) The type of future employment for which a student in a  
15 coalition is trained if the student is trained in a type of  
16 employment;

17 (4) The amount and terms of compensation for each student who  
18 receives compensation from a member of business or industry  
19 through a coalition's partnership with an entity described in  
20 section 1(c)(2)(A) of this chapter.

21 (5) The impact of a coalition member's participation in a coalition  
22 on the coalition member's graduation rates;

23 (6) Information regarding where a student in a coalition obtains  
24 full-time employment when the student graduates or leaves  
25 school, if applicable;

26 SECTION 10. IC 20-29-6-1, AS AMENDED BY P.L.274-2019,  
27 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
28 JULY 1, 2021]: Sec. 1. (a) School employers and school employees  
29 shall:

30 (1) have the obligation and the right to bargain collectively the  
31 items set forth in section 4 of this chapter;

32 (2) have the right and obligation to discuss any item set forth in  
33 section 7 of this chapter; and

34 (3) enter into a contract embodying any of the matters listed in  
35 section 4 of this chapter on which they have bargained  
36 collectively.

37 (b) Notwithstanding any other law, before a school employer and  
38 school employees may privately negotiate the matters described in  
39 subsection (a)(1) during the time period for formal collective  
40 bargaining established in section 12 of this chapter, the parties must  
41 hold at least one (1) public hearing and take public testimony to discuss  
42 the items described in subsection (a). **A school employer may allow**



1 **governing body members and the public to participate in a public**  
 2 **hearing under this subsection by means of electronic**  
 3 **communication. Within forty-eight (48) hours after the public**  
 4 **hearing, both parties shall certify to the board, in a manner**  
 5 **prescribed by the board, that the public hearing described in this**  
 6 **subsection has occurred.**

7 SECTION 11. IC 20-29-6-19, AS AMENDED BY P.L.274-2019,  
 8 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 9 JULY 1, 2021]: Sec. 19. (a) In addition to holding at least one (1)  
 10 public hearing with public testimony as described in section 1(b) of this  
 11 chapter, the school employer must conduct a public meeting to discuss  
 12 a tentative collective bargaining agreement at least seventy-two (72)  
 13 hours before it is ratified by the school employer. **A school employer**  
 14 **may allow governing body members and the public to participate**  
 15 **in a public hearing under this section by means of electronic**  
 16 **communication. Within forty-eight (48) hours after the public**  
 17 **hearing, both parties shall certify to the board, in a manner**  
 18 **prescribed by the board, that the public hearing described in this**  
 19 **subsection has occurred. After June 30, 2021, any collective**  
 20 **bargaining agreement ratified without holding the public hearing**  
 21 **described in this subsection is null and void.**

22 (b) Notice of the time and the location of the public meeting and a  
 23 tentative collective bargaining agreement established under this chapter  
 24 must be posted on the school employer's Internet web site at least  
 25 seventy-two (72) hours prior to the public meeting described in  
 26 subsection (a).

27 (c) A school employer must allow for public comment at the  
 28 meeting at which a tentative collective bargaining agreement is ratified.

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

33 SECTION 12. IC 20-30-2-1.5 IS ADDED TO THE INDIANA  
 34 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 35 [EFFECTIVE JULY 1, 2021]: **Sec. 1.5. As used in this chapter,**  
 36 **"virtual instruction" means instruction that is provided in an**  
 37 **interactive learning environment created through technology in**  
 38 **which the student is separated from a teacher by time or space, or**  
 39 **both.**

40 SECTION 13. IC 20-30-2-2.5 IS ADDED TO THE INDIANA  
 41 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 42 [EFFECTIVE JULY 1, 2021]: **Sec. 2.5. (a) This section applies to the**



1 following:

- 2 (1) A public school maintained by a school corporation.  
 3 (2) A charter school that is not a virtual charter school (as  
 4 defined in IC 20-24-1-10).

5 (b) If a student is enrolled to attend in-person instruction at a  
 6 school and the student participates in any virtual instruction or  
 7 remote learning that is provided by the school, the school shall  
 8 ensure that the virtual instruction or remote learning provided by  
 9 the school meets the following requirements:

- 10 (1) The virtual instruction or remote learning is of the same  
 11 quality and rigor as the instruction that the student would  
 12 have received if the student was attending in-person  
 13 instruction at the school.  
 14 (2) The curriculum and any other educational resources used  
 15 in the virtual instruction or remote learning are aligned to  
 16 Indiana's academic standards.

17 (c) The department may adopt rules under IC 4-22-2 to  
 18 implement this section.

19 SECTION 14. IC 20-30-16-5, AS AMENDED BY HEA 1438-2021,  
 20 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 21 JULY 1, 2021]: Sec. 5. (a) Except as provided in subsection (c), an  
 22 eligible student may enroll in course access program courses offered by  
 23 a course provider that is authorized by the department in accordance  
 24 with policies adopted by the state board under this chapter.

25 (b) If an eligible student requests to enroll in a course access  
 26 program course, the school corporation shall, not later than fifteen (15)  
 27 days after the date the eligible student submits the request to the school  
 28 corporation, notify the student's parent or emancipated eligible student  
 29 of the following:

- 30 (1) Whether the school corporation approves or denies the  
 31 request.  
 32 (2) If the school corporation denies the request, information  
 33 explaining that the parent or student may appeal the school  
 34 corporation's decision to the department.

35 If the school corporation fails to notify an eligible student's parent or  
 36 emancipated eligible student within the time period established under  
 37 this subsection, the eligible student is automatically approved for  
 38 enrollment in the course access program course.

39 (c) A school corporation may deny an eligible student's enrollment  
 40 in a course access program only for the following reasons:

- 41 (1) The eligible student's enrollment in the course access program  
 42 course would exceed the requirements for a normal full course



1 load at the school corporation.

2 (2) The cost of the course access program course is unreasonable.  
 3 However, a school corporation may not deny enrollment of an eligible  
 4 student under subdivisions (1) and (2) if the eligible student agrees to  
 5 pay the cost of tuition for the applicable course access program course.

6 **(d) If a school corporation denies a student's enrollment in a**  
 7 **course access program course under subsection (c), the school**  
 8 **corporation shall notify the department, in a manner prescribed by**  
 9 **the department, of the reason the student was denied enrollment**  
 10 **under subsection (c).**

11 ~~(d)~~ (e) If a school corporation denies a student's enrollment in a  
 12 course access program course under subsection (c), the parent of an  
 13 eligible student or an emancipated eligible student may appeal the  
 14 decision of the school corporation to the department in a manner  
 15 prescribed by the state board.

16 ~~(e)~~ (f) The department shall:

17 (1) review the school corporation's denial under subsection (c);  
 18 and

19 (2) provide a final enrollment decision;

20 within seven (7) calendar days of receipt of the appeal.

21 SECTION 15. IC 20-32-5.1-17, AS AMENDED BY P.L.155-2020,  
 22 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 23 UPON PASSAGE]: Sec. 17. (a) The state board shall approve two (2)  
 24 or more benchmark, formative, interim, or similar assessments to  
 25 identify students that require remediation and provide individualized  
 26 instruction in which a school corporation, charter school, state  
 27 accredited nonpublic school, or eligible school (as defined in  
 28 IC 20-51-1-4.7) may receive a grant under subsection ~~(e)~~: (e).

29 **(b) Except as provided in subsection (c), the benchmark,**  
 30 **formative, interim, or similar assessments approved by the state**  
 31 **board under subsection (a) must show alignment, verified by a third**  
 32 **party, to Indiana's academic standards. The majority of the assessment**  
 33 **reporting must indicate the degree to which students are on track for**  
 34 **grade level proficiency and college and career readiness. Approved**  
 35 **assessments must also provide predictive study results for student**  
 36 **performance on the statewide assessment under section 7 of this**  
 37 **chapter, not later than two (2) years after the summative assessment has**  
 38 **been first administered.**

39 **(c) A benchmark, formative, interim, or similar assessment**  
 40 **administered to students in grades 8 through 10 may show**  
 41 **alignment, verified by a third party, to the nationally recognized**  
 42 **college entrance exam required under section 7 of this chapter.**



1           ~~(b)~~ **(d)** A school corporation, charter school, state accredited  
 2 nonpublic school, or eligible school (as defined in IC 20-51-1-4.7) may  
 3 elect to administer a benchmark, formative, interim, or similar  
 4 assessment described in subsection (a). If a school corporation, charter  
 5 school, state accredited nonpublic school, or eligible school (as defined  
 6 in IC 20-51-1-4.7) administers an assessment described in subsection  
 7 (a), the school corporation, charter school, state accredited nonpublic  
 8 school, or eligible school (as defined in IC 20-51-1-4.7) may prescribe  
 9 the time and the manner in which the assessment is administered.

10           ~~(c)~~ **(e)** If a school corporation, charter school, state accredited  
 11 nonpublic school, or eligible school (as defined in IC 20-51-1-4.7)  
 12 elects to administer a benchmark, formative, interim, or similar  
 13 assessment described in subsection (a), the school corporation, charter  
 14 school, state accredited nonpublic school, or eligible school (as defined  
 15 in IC 20-51-1-4.7) is entitled to receive a grant or reimbursement from  
 16 the department in an amount not to exceed the cost of the assessment.  
 17 The department shall provide grants and reimbursements to a school  
 18 corporation, charter school, state accredited nonpublic school, or  
 19 eligible school (as defined in IC 20-51-1-4.7) under this section from  
 20 money appropriated to the department for the purpose of carrying out  
 21 this section.

22           ~~(d)~~ **(f)** The state board and the department may not contract with,  
 23 approve, or endorse the use of a single vendor to provide benchmark,  
 24 formative, interim, or similar assessments for any grade level or levels  
 25 of kindergarten through grade 7.

26           SECTION 16. IC 20-37-2-13 IS ADDED TO THE INDIANA  
 27 CODE AS A **NEW SECTION TO READ AS FOLLOWS**  
 28 [EFFECTIVE JULY 1, 2021]: **Sec. 13. (a) As used in this section,**  
 29 **"applicable high school" means a high school at which all the**  
 30 **students participate in a work based learning course (as defined in**  
 31 **IC 20-43-8-0.7) or school based enterprise.**

32           **(b) As used in this section, "primary use of the building" means**  
 33 **an occupancy classification that is:**

34           **(1) most closely related to the intended use of the building;**  
 35 **and**

36           **(2) determined by the rules of the fire prevention and building**  
 37 **safety commission established by IC 22-12-2-1 in effect at the**  
 38 **time that the applicable high school is first opened.**

39           **(c) An applicable high school shall comply with all rules of the**  
 40 **fire prevention and building safety commission applicable to the**  
 41 **primary use of the building.**

42           SECTION 17. IC 20-48-1-9, AS AMENDED BY HEA 1271-2021,



1 SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
2 JULY 1, 2021]: Sec. 9. (a) If the governing body of a school  
3 corporation finds and declares that an emergency exists to borrow  
4 money with which to pay current expenses from a particular fund  
5 before the receipt of revenues from taxes levied or state tuition support  
6 distributions for the fund, the governing body may issue warrants in  
7 anticipation of the receipt of the revenues.

8 (b) The principal of warrants issued under subsection (a) is payable  
9 solely from the fund for which the taxes are levied or from the school  
10 corporation's education fund in the case of anticipated state tuition  
11 support distributions. However, the interest on the warrants may be  
12 paid from the debt service fund, from the operations fund, or the  
13 education fund in the case of anticipated state tuition support  
14 distributions. A governing body may not increase the debt service fund  
15 levy to pay for the interest on the warrants unless

16 ~~(1) the warrants have been issued; and~~

17 ~~(2) the school corporation has received the proceeds from the~~  
18 ~~warrants.~~

19 **the warrants have been authorized by the governing body in a**  
20 **resolution adopted at a public meeting in the year immediately**  
21 **preceding the year in which the warrants will be issued.**

22 (c) The amount of principal of temporary loans maturing on or  
23 before June 30 for any fund may not exceed eighty percent (80%) of  
24 the amount of taxes and state tuition support distributions estimated to  
25 be collected or received for and distributed to the fund at the June  
26 settlement.

27 (d) The amount of principal of temporary loans maturing after June  
28 30 and on or before December 31 may not exceed eighty percent (80%)  
29 of the amount of taxes and state tuition support distributions estimated  
30 to be collected or received for and distributed to the fund at the  
31 December settlement.

32 (e) The county auditor or the auditor's deputy shall determine the  
33 estimated amount of taxes and state tuition support distributions to be  
34 collected or received and distributed. The warrants evidencing a loan  
35 in anticipation of tax revenue or state tuition support distributions may  
36 not be delivered to the purchaser of the warrant and payment may not  
37 be made on the warrant before January 1 of the year the loan is to be  
38 repaid. However, the proceedings necessary for the loan may be held  
39 and carried out before January 1 and before the approval. The loan may  
40 be made even though a part of the last preceding June or December  
41 settlement has not been received.

42 (f) Proceedings for the issuance and sale of warrants for more than





1 one (1) fund may be combined. Separate warrants for each fund must  
 2 be issued, and each warrant must state on the face of the warrant the  
 3 fund from which the warrant's principal is payable. An action to contest  
 4 the validity of a warrant may not be brought later than fifteen (15) days  
 5 after the first publication of notice of sale.

6 (g) An issue of tax or state tuition support anticipation warrants may  
 7 not be made if the total of all tax or state tuition support anticipation  
 8 warrants exceeds twenty thousand dollars (\$20,000) until the issuance  
 9 is advertised for sale, bids are received, and an award is made by the  
 10 governing body as required for the sale of bonds, except that the  
 11 publication of notice of the sale is not necessary:

12 (1) outside the county; or

13 (2) more than ten (10) days before the date of sale.

14 SECTION 18. P.L.2-2020, SECTION 1, IS AMENDED TO READ  
 15 AS FOLLOWS [EFFECTIVE JULY 1, 2020 (RETROACTIVE)]:  
 16 SECTION 1. (a) The definitions in IC 20 apply throughout this  
 17 SECTION.

18 (b) Notwithstanding IC 20-31-8 and 511 IAC 6.2-10, a school's or  
 19 school corporation's category or designation of school or school  
 20 corporation performance assigned by the state board under  
 21 IC 20-31-8-4 for the 2018-2019 school year shall be calculated in the  
 22 manner provided in 511 IAC 6.2-10, with the exception that a school's  
 23 or school corporation's category or designation of school or school  
 24 corporation performance for the 2018-2019 school year may not be  
 25 lower than the school's or school corporation's category or designation  
 26 of school or school corporation performance for the 2017-2018 school  
 27 year.

28 (c) Notwithstanding IC 20-31-8 and 511 IAC 6.2-10, a school's or  
 29 school corporation's category or designation of school or school  
 30 corporation performance assigned by the state board under  
 31 IC 20-31-8-4 for the 2019-2020 school year shall be calculated in the  
 32 manner provided in 511 IAC 6.2-10, with the exception that a school's  
 33 or school corporation's category or designation of school or school  
 34 corporation performance for the 2019-2020 school year is the higher of  
 35 a school's or school corporation's category or designation of school or  
 36 school corporation performance:

37 (1) determined under subsection (b); or

38 (2) for the 2019-2020 school year as determined under  
 39 IC 20-31-8.

40 (d) **Notwithstanding IC 20-31-8 and 511 IAC 6.2-10, the state**  
 41 **board shall assign to a school or school corporation a "null" or "no**  
 42 **letter grade" for the 2020-2021 school year. However, the most**



1 **recent results of the school's ILEARN assessment must be included**  
 2 **on the school's Internet web site.**

3 **(e) Notwithstanding IC 20-31-8 and 511 IAC 6.3-1, the state**  
 4 **board shall assign to an adult high school a "null" or "no letter**  
 5 **grade" category for the 2020-2021 school year.**

6 ~~(d)~~ **(f)** Notwithstanding IC 20-31-9, and except as otherwise  
 7 provided in this subsection, a school's category or designation of school  
 8 performance assigned by the state board under subsection (b) or (c)  
 9 may not be used in the determination of consequences under  
 10 IC 20-31-9. The school's category or designation of school performance  
 11 for the ~~2020-2021~~ **2021-2022** school year shall be considered the  
 12 category or designation for the school year immediately following the  
 13 2017-2018 school year for purposes of applying consequences under  
 14 IC 20-31-9 for a school that has been placed in the lowest category or  
 15 designation of school performance under subsections (b) and (c).  
 16 However, a school may petition the state board, and the state board  
 17 shall grant the school's petition to use the grade assigned to the school  
 18 under subsection (b) or (c) for purposes of applying IC 20-31-9.

19 ~~(e)~~ **(g)** Notwithstanding IC 20-51-4-9, and except as otherwise  
 20 provided in this subsection, an eligible school's (as defined in  
 21 IC 20-51-1-4.7) category or designation of school performance under  
 22 subsection (b) or (c) may not be used in the determination of  
 23 consequences under IC 20-51-4-9 if the eligible school is placed in  
 24 either of the two (2) lowest categories or designations of school  
 25 performance under subsection (b) or (c). The eligible school's category  
 26 or designation of school performance for the ~~2020-2021~~ **2021-2022**  
 27 school year shall be considered the category or designation for the  
 28 school year immediately following the 2017-2018 school year for  
 29 purposes of applying consequences under IC 20-51-4-9 for an eligible  
 30 school that has been placed in the two (2) lowest categories or  
 31 designations of school performance under subsections (b) and (c).  
 32 However, an eligible school may petition the state board, and the state  
 33 board shall grant the eligible school's petition to use the eligible  
 34 school's category or designation of school performance assigned under  
 35 subsection (b) or (c) for purposes of applying IC 20-51-4-9.

36 ~~(f)~~ **(h)** Notwithstanding IC 20-24-2.2-2, a charter school's category  
 37 or designation of school performance for the ~~2020-2021~~ **2021-2022**  
 38 school year shall be considered the category or designation for the  
 39 school year immediately following the 2017-2018 school year for  
 40 purposes of applying IC 20-24-2.2-2(a) for a charter school that has  
 41 been placed in the lowest category or designation of school  
 42 performance under subsection (b) or (c). However, a charter school



1 may petition the state board, and the state board shall grant the charter  
 2 school's petition to use the charter school's category or designation of  
 3 school performance assigned under subsection (b) or (c) for purposes  
 4 of applying IC 20-24-2.2-2(a).

5 **(i) Notwithstanding IC 20-24-2.2-2, an adult high school's**  
 6 **category or designation of school performance for the 2021-2022**  
 7 **school year shall be considered the category or designation for the**  
 8 **school year immediately following the 2019-2020 school year for**  
 9 **purposes of applying IC 20-24-2.2-2(a).**

10 ~~(g)~~ **(j) This SECTION expires January 1, 2023: 2024.**

11 SECTION 19. [EFFECTIVE UPON PASSAGE] **(a) The definitions**  
 12 **used in IC 20 apply throughout this SECTION.**

13 **(b) A panel is established to study methods of improving school**  
 14 **building utilization by a school corporation in order to provide**  
 15 **savings that may be used to improve teacher salaries and charter**  
 16 **school funding and to make recommendations of its findings. The**  
 17 **panel shall submit, not later than November 1, 2022, its**  
 18 **recommendations in a final report to the:**

19 **(1) governor; and**

20 **(2) legislative council in an electronic format under IC 5-14-6.**

21 **(c) The panel consists of the following thirteen (13) members:**

22 **(1) The director of school finance of the department or the**  
 23 **director's designee.**

24 **(2) The chairperson of the senate education and career**  
 25 **development committee.**

26 **(3) The chairperson of the house of representatives education**  
 27 **committee.**

28 **(4) The president pro tempore of the senate shall appoint the**  
 29 **following three (3) members:**

30 **(A) One (1) member who:**

31 **(i) is a member of the senate; and**

32 **(ii) has knowledge in school finance.**

33 **(B) Two (2) members, each of whom either:**

34 **(i) operates a charter school; or**

35 **(ii) is a chairperson of a board of a charter school.**

36 **(5) The speaker of the house of representatives shall appoint**  
 37 **the following three (3) members:**

38 **(A) One (1) member who:**

39 **(i) is a member of the house of representatives; and**

40 **(ii) has knowledge in school finance.**

41 **(B) Two (2) members, each of whom either:**

42 **(i) operates a charter school; or**



- 1           (ii) is a chairperson of a board of a charter school.
- 2           (6) The governor shall appoint two (2) members who are
- 3           school superintendents.
- 4           (7) Two (2) members who are superintendents of a school
- 5           corporation in which:
- 6               (1) one (1) member is appointed by the speaker of the
- 7               house of representatives; and
- 8               (2) one (1) member is appointed by the president pro
- 9               tempore of the senate.
- 10          (8) One (1) member who is a member of the house of
- 11          representatives appointed by the minority leader of the house
- 12          of representatives.
- 13          (9) One (1) member who is a member of the senate appointed
- 14          by the minority leader of the senate.
- 15          (d) The member under subsection (c)(3) shall serve as the
- 16          chairperson during the 2021 legislative interim. The member under
- 17          subsection (c)(2) shall serve as the chairperson during the 2022
- 18          legislative interim.
- 19          (e) Members appointed under subsection (c) shall be appointed
- 20          by the member's respective appointing authority not later than
- 21          July 1, 2021. Each member appointed under subsection (c) serves
- 22          at the will of the member's appointing authority.
- 23          (f) A quorum of the panel consists of seven (7) members. The
- 24          affirmative vote of at least seven (7) members of the panel is
- 25          necessary for any action to be taken by the panel.
- 26          (g) The panel shall meet at the call of the chairperson. The panel
- 27          shall do the following:
- 28               (1) Meet during the 2021 legislative interim and the 2022
- 29               legislative interim.
- 30               (2) During each legislative interim described in subdivision
- 31               (1), meet at least two (2) times but not more than four (4)
- 32               times.
- 33          (h) The legislative services agency shall provide administrative
- 34          support for the panel.
- 35          (i) Each member of the panel who is not a state employee is not
- 36          entitled to the minimum salary per diem provided by
- 37          IC 4-10-11-2.1(b). The member is, however, entitled to
- 38          reimbursement for traveling expenses as provided under
- 39          IC 4-13-1-4 and other expenses actually incurred in connection
- 40          with the member's duties as provided in the state policies and
- 41          procedures established by the Indiana department of
- 42          administration and approved by the budget agency.



- 1       **(j) Each member of the panel who is a state employee but who**
- 2 **is not a member of the general assembly is entitled to**
- 3 **reimbursement for traveling expenses as provided under**
- 4 **IC 4-13-1-4 and other expenses actually incurred in connection**
- 5 **with the member's duties as provided in the state policies and**
- 6 **procedures established by the Indiana department of**
- 7 **administration and approved by the budget agency.**
- 8       **(k) Each member of the panel who is a member of the general**
- 9 **assembly is entitled to receive the same per diem, mileage, and**
- 10 **travel allowances paid to legislative members of interim study**
- 11 **committees established by the legislative council. Per diem,**
- 12 **mileage, and travel allowances paid under this subsection shall be**
- 13 **paid from appropriations made to the legislative council or the**
- 14 **legislative services agency.**
- 15       **(l) Meetings of the panel must comply with IC 5-14-1.5.**
- 16       **(m) This SECTION expires January 1, 2023.**
- 17       **SECTION 20. 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. 413, 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, delete lines 1 through 15.

Delete pages 2 through 8.

Page 9, delete lines 1 through 34.

Page 13, delete lines 31 through 42, begin a new paragraph and insert:

"SECTION 5. P.L.2-2020, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020 (RETROACTIVE)]: SECTION 1. (a) The definitions in IC 20 apply throughout this SECTION.

(b) Notwithstanding IC 20-31-8 and 511 IAC 6.2-10, a school's or school corporation's category or designation of school or school corporation performance assigned by the state board under IC 20-31-8-4 for the 2018-2019 school year shall be calculated in the manner provided in 511 IAC 6.2-10, with the exception that a school's or school corporation's category or designation of school or school corporation performance for the 2018-2019 school year may not be lower than the school's or school corporation's category or designation of school or school corporation performance for the 2017-2018 school year.

(c) Notwithstanding IC 20-31-8 and 511 IAC 6.2-10, a school's or school corporation's category or designation of school or school corporation performance assigned by the state board under IC 20-31-8-4 for the 2019-2020 school year shall be calculated in the manner provided in 511 IAC 6.2-10, with the exception that a school's or school corporation's category or designation of school or school corporation performance for the 2019-2020 school year is the higher of a school's or school corporation's category or designation of school or school corporation performance:

(1) determined under subsection (b); or

(2) for the 2019-2020 school year as determined under IC 20-31-8.

**(d) Notwithstanding IC 20-31-8 and 511 IAC 6.2-10, the state board shall assign to a school or school corporation a "null" or "no letter grade" for the 2020-2021 school year. However, the most recent results of the school's ILEARN assessment must be included on the school's Internet web site.**

ES 413—LS 7229/DI 120



**(e) Notwithstanding IC 20-31-8 and 511 IAC 6.3-1, the state board shall assign to an adult high school a "null" or "no letter grade" category for the 2020-2021 school year.**

~~(d)~~ **(f)** Notwithstanding IC 20-31-9, and except as otherwise provided in this subsection, a school's category or designation of school performance assigned by the state board under subsection (b) or (c) may not be used in the determination of consequences under IC 20-31-9. The school's category or designation of school performance for the ~~2020-2021~~ **2021-2022** school year shall be considered the category or designation for the school year immediately following the 2017-2018 school year for purposes of applying consequences under IC 20-31-9 for a school that has been placed in the lowest category or designation of school performance under subsections (b) and (c). However, a school may petition the state board, and the state board shall grant the school's petition to use the grade assigned to the school under subsection (b) or (c) for purposes of applying IC 20-31-9.

~~(e)~~ **(g)** Notwithstanding IC 20-51-4-9, and except as otherwise provided in this subsection, an eligible school's (as defined in IC 20-51-1-4.7) category or designation of school performance under subsection (b) or (c) may not be used in the determination of consequences under IC 20-51-4-9 if the eligible school is placed in either of the two (2) lowest categories or designations of school performance under subsection (b) or (c). The eligible school's category or designation of school performance for the ~~2020-2021~~ **2021-2022** school year shall be considered the category or designation for the school year immediately following the 2017-2018 school year for purposes of applying consequences under IC 20-51-4-9 for an eligible school that has been placed in the two (2) lowest categories or designations of school performance under subsections (b) and (c). However, an eligible school may petition the state board, and the state board shall grant the eligible school's petition to use the eligible school's category or designation of school performance assigned under subsection (b) or (c) for purposes of applying IC 20-51-4-9.

~~(f)~~ **(h)** Notwithstanding IC 20-24-2.2-2, a charter school's category or designation of school performance for the ~~2020-2021~~ **2021-2022** school year shall be considered the category or designation for the school year immediately following the 2017-2018 school year for purposes of applying IC 20-24-2.2-2(a) for a charter school that has been placed in the lowest category or designation of school performance under subsection (b) or (c). However, a charter school may petition the state board, and the state board shall grant the charter school's petition to use the charter school's category or designation of



school performance assigned under subsection (b) or (c) for purposes of applying IC 20-24-2.2-2(a).

**(i) Notwithstanding IC 20-24-2.2-2, an adult high school's category or designation of school performance for the 2021-2022 school year shall be considered the category or designation for the school year immediately following the 2019-2020 school year for purposes of applying IC 20-24-2.2-2(a).**

~~(g)~~ **(j)** This SECTION expires January 1, ~~2023~~: 2024.

**SECTION 6. [EFFECTIVE UPON PASSAGE] (a) The definitions used in IC 20 apply throughout this SECTION.**

**(b) A panel is established to study charter school funding and to make recommendations of its findings regarding charter school funding. The panel shall submit, not later than November 1, 2022, its recommendations in a final report to the:**

- (1) governor; and**
- (2) legislative council in an electronic format under IC 5-14-6.**

**(c) The panel consists of the following eleven (11) members:**

- (1) The director of school finance of the department or the director's designee.**
- (2) The chairperson of the senate education and career development committee.**
- (3) The chairperson of the house of representatives education committee.**
- (4) The president pro tempore of the senate shall appoint the following three (3) members:**
  - (A) One (1) member who:**
    - (i) is a member of the senate; and**
    - (ii) has knowledge in school finance.**
  - (B) Two (2) members, each of whom either:**
    - (i) operates a charter school; or**
    - (ii) is a chairperson of a board of a charter school.**
- (5) The speaker of the house of representatives shall appoint the following three (3) members:**
  - (A) One (1) member who:**
    - (i) is a member of the house of representatives; and**
    - (ii) has knowledge in school finance.**
  - (B) Two (2) members, each of whom either:**
    - (i) operates a charter school; or**
    - (ii) is a chairperson of a board of a charter school.**
- (6) The governor shall appoint two (2) members who are school superintendents.**





(d) The member under subsection (c)(3) shall serve as the chairperson during the 2021 legislative interim. The member under subsection (c)(2) shall serve as the chairperson during the 2022 legislative interim.

(e) Members appointed under subsection (c) shall be appointed by the member's respective appointing authority not later than July 1, 2021. Each member appointed under subsection (c) serves at the will of the member's appointing authority.

(f) A quorum of the panel consists of six (6) members. The affirmative vote of at least six (6) members of the panel is necessary for any action to be taken by the panel.

(g) The panel shall meet at the call of the chairperson. The panel shall do the following:

(1) Meet during the 2021 legislative interim and the 2022 legislative interim.

(2) During each legislative interim described in subdivision (1), meet at least two (2) times but not more than four (4) times.

(h) The legislative services agency shall provide administrative support for the panel.

(i) Each member of the panel who is not a state employee is not entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is, however, entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(j) Each member of the panel who is a state employee but who is not a member of the general assembly is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(k) Each member of the panel who is a member of the general assembly is entitled to receive the same per diem, mileage, and travel allowances paid to legislative members of interim study committees established by the legislative council. Per diem, mileage, and travel allowances paid under this subsection shall be paid from appropriations made to the legislative council or the legislative services agency.



**(l) Meetings of the panel must comply with IC 5-14-1.5.**

**(m) This SECTION expires January 1, 2023."**

Delete pages 14 through 15.

Page 16, delete lines 1 through 3.

Renumber all SECTIONS consecutively.

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

(Reference is to SB 413 as introduced.)

RAATZ, Chairperson

Committee Vote: Yeas 9, Nays 4.

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COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill No. 413, 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:

Delete page 4.

Page 5, delete lines 1 through 23.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 413 as printed February 12, 2021.)

MISHLER, Chairperson

Committee Vote: Yeas 7, Nays 4.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Senate Bill 413, 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, delete lines 1 through 15, begin a new paragraph and insert:

**ES 413—LS 7229/DI 120**



"SECTION 1. IC 4-3-26-10, AS ADDED BY P.L.269-2017, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 10. The MPH shall do the following:

(1) Establish and maintain a program to collect, analyze, and exchange government information in carrying out the powers and duties of the OMB and the powers and duties of the executive state agency sharing the data. In carrying out this program, the MPH may, in accordance with IC 4-1-6, obtain government information from each executive state agency.

(2) In accordance with IC 4-1-6 and IC 5-14-3, establish and maintain a program to make government information available to executive state agencies, **the general assembly, the legislative services agency**, political subdivisions, educational institutions, researchers, nongovernmental organizations, and the general public, subject to the following:

(A) A request for data subject to IC 4-1-6-8.6 shall be made in conformance with that section.

(B) A program established and maintained under this chapter must include policies governing access to government information held by the MPH under this chapter. Government information may be made available only in accordance with applicable confidentiality and disclosure laws.

(3) Establish privacy and quality policies for government information that comply with all applicable Indiana and federal laws, rules, and policies.

(4) In accordance with standards developed by the office of technology established by IC 4-13.1-2-1, establish and maintain a program to ensure the security of government information under this chapter.

(5) Conduct operational and procedural audits of executive state agencies.

(6) Perform financial planning and design and implement efficiency projects for executive state agencies.

(7) Advise and assist each executive state agency to identify and implement continuous process improvement in state government.

(8) Carry out such other responsibilities as may be designated by the director of the OMB or the chief data officer to carry out the responsibilities of the OMB or the chief data officer.

SECTION 2. IC 4-3-26-14, AS ADDED BY P.L.269-2017, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 14. (a) **Subject to subsection (b)**, the MPH ~~shall~~



may prescribe a form to be used to memorialize the sharing of data under this chapter.

(b) The form prescribed under subsection (a) must be:

- (1) completed by the executive state agency or person described in section 15 of this chapter; and
- (2) signed by the administrative head of the executive state agency or person.

(c) A data sharing form completed and signed under subsection (b) constitutes the agreement required by any statutory or administrative law that governs the data. No additional documentation may be required to share data under this chapter.

(b) Upon the request of the legislative services agency for a memorandum of understanding, the MPH:

- (1) shall enter into a memorandum of understanding described in IC 2-5-1.7-14 with the legislative services agency for the sharing of data under this chapter; and
- (2) may not require the legislative services agency to use a form prescribed under subsection (a).

SECTION 3. IC 4-3-26-17 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 17. (a) The MPH data advisory committee is established.

(b) The committee consists of the following nine (9) members:

- (1) The executive director of the legislative services agency or the executive director's designee, who shall serve as a nonvoting member.
- (2) One (1) member of the house of representatives appointed by the speaker of the house of representatives.
- (3) One (1) member of the house of representatives appointed by the minority leader of the house of representatives.
- (4) One (1) member of the senate appointed by the president pro tempore of the senate.
- (5) One (1) member of the senate appointed by the minority leader of the senate.
- (6) The following four (4) members appointed jointly by the speaker of the house of representatives and the president pro tempore of the senate:
  - (A) One (1) member who represents an Indiana based philanthropic organization.
  - (B) One (1) member who represents an Indiana based nonprofit organization that has knowledge in using data to



connect job seekers, educational institutions, and employers to advance Indiana's skilled workforce.

**(C) One (1) member who represents a business or industry with knowledge of education and workforce policy.**

**(D) One (1) member who represents an Indiana based grant making foundation with a mission to advance health and education.**

**(c) A member of the committee appointed under subsection (b)(2) through (b)(6):**

**(1) serves for a term of four (4) years; and**

**(2) may be removed from the committee by the member's appointing authority for just cause.**

**Vacancies in the appointments to the committee shall be filled by the appointing authority. A member appointed under this subsection serves for the remainder of the unexpired term.**

**(d) The members appointed under subsection (b)(2) and (b)(4) shall alternate serving as the chairperson of the committee every other year, with the member appointed under subsection (b)(2) serving as chairperson the first year of the committee. The committee shall meet at least quarterly at the call of the chairperson.**

**(e) The chairperson is responsible for establishing agendas for committee meetings after receiving and considering recommended agenda items from the members of the committee.**

**(f) Five (5) members of the committee constitute a quorum. The affirmative vote of at least a majority of the members of the committee is necessary for the committee to take official action.**

**(g) The committee shall review, study, monitor, and make advisory recommendations to the MPH regarding the MPH's duties under section 10 of this chapter, including monitoring and evaluating the performance of the MPH's duty to make governmental information available under section 10(2) of this chapter.**

**(h) A member of the committee is not entitled to the minimum salary per diem or reimbursement for traveling or other expenses.**

**(i) The legislative services agency shall staff the committee.**

**SECTION 4. IC 20-18-2-15.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 15.5. "School based enterprise" means a program that:**

**(1) includes interactions with customers or clients;**

**(2) is a career based course; and**



**(3) includes ongoing business training provided by a teacher.**

SECTION 5. IC 20-26-5-40.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 40.2. (a) If a governing body passes a resolution to close a high school within the school corporation, the governing body shall develop a plan relating to the preservation or transfer of memorabilia, trophies, or other property that may have historical significance, as determined by the governing body.**

**(b) The plan described in subsection (a) must be made available for public inspection and posted on the school corporation's Internet web site.**

SECTION 6. IC 20-26.5-2-5 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 5. Not later than November 1, 2019, and not later than November 1 of each year thereafter, the department shall report to the legislative council annually in an electronic format under IC 5-14-6 regarding the following:~~

~~(1) The fiscal impact on each coalition member of the member's participation in a coalition.~~

~~(2) The qualifications of each teacher who teaches in a coalition; as follows:~~

~~(A) Whether the teacher holds a license under IC 20-28.~~

~~(B) Whether the teacher is paid by:~~

~~(i) a coalition member; or~~

~~(ii) another employer.~~

~~(3) The type of future employment for which a student in a coalition is trained if the student is trained in a type of employment.~~

~~(4) The amount and terms of compensation for each student who receives compensation from a member of business or industry through a coalition's partnership with an entity described in section 1(c)(2)(A) of this chapter.~~

~~(5) The impact of a coalition member's participation in a coalition on the coalition member's graduation rates.~~

~~(6) Information regarding where a student in a coalition obtains full-time employment when the student graduates or leaves school, if applicable.~~

SECTION 7. IC 20-29-6-1, AS AMENDED BY P.L.274-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **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, before a school employer and school employees may privately negotiate the matters described in subsection (a)(1) during the time period for formal collective bargaining established in section 12 of this chapter, the parties must hold at least one (1) public hearing and take public testimony to discuss the items described in subsection (a). **A school employer may allow governing body members and the public to participate in a public hearing under this subsection by means of electronic communication. Within forty-eight (48) hours after the public hearing, both parties shall certify to the board, in a manner prescribed by the board, that the public hearing described in this subsection has occurred.**

SECTION 8. IC 20-29-6-19, AS AMENDED BY P.L.274-2019, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 19. (a) In addition to holding at least one (1) public hearing with public testimony as described in section 1(b) of this chapter, the school employer must conduct a public meeting to discuss a tentative collective bargaining agreement at least seventy-two (72) hours before it is ratified by the school employer. **A school employer may allow governing body members and the public to participate in a public hearing under this section by means of electronic communication. Within forty-eight (48) hours after the public hearing, both parties shall certify to the board, in a manner prescribed by the board, that the public hearing described in this subsection has occurred. After June 30, 2021, any collective bargaining agreement ratified without holding the public hearing described in this subsection is null and void.**

(b) Notice of the time and the location of the public meeting and a tentative collective bargaining agreement established under this chapter must be posted on the school employer's Internet web site at least seventy-two (72) hours prior to the public meeting described in subsection (a).

(c) A school employer must allow for public comment at the meeting at which a tentative collective bargaining agreement is ratified.



(d) 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.

SECTION 9. IC 20-30-2-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2021]: **Sec. 1.5. As used in this chapter, "virtual instruction" means instruction that is provided in an interactive learning environment created through technology in which the student is separated from a teacher by time or space, or both.**

SECTION 10. IC 20-30-2-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2021]: **Sec. 2.5. (a) This section applies to the following:**

**(1) A public school maintained by a school corporation.**

**(2) A charter school that is not a virtual charter school (as defined in IC 20-24-1-10).**

**(b) If a student is enrolled to attend in-person instruction at a school and the student participates in any virtual instruction or remote learning that is provided by the school, the school shall ensure that the virtual instruction or remote learning provided by the school meets the following requirements:**

**(1) The virtual instruction or remote learning is of the same quality and rigor as the instruction that the student would have received if the student was attending in-person instruction at the school.**

**(2) The curriculum and any other educational resources used in the virtual instruction or remote learning are aligned to Indiana's academic standards.**

**(c) The department may adopt rules under IC 4-22-2 to implement this section.**

SECTION 11. IC 20-30-16-5, AS ADDED BY P.L.80-2017, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 5. (a) Except as provided in subsection (b), an eligible student may enroll in course access program courses offered by a course provider that is authorized by the department under this chapter.**

**(b) A school corporation may disapprove an eligible student's enrollment in a course access program only for the following reasons:**

**(1) The course provided by the course provider is not in furtherance of the eligible student's graduation or certificate requirements.**





(2) The eligible student's enrollment in the course access program course would exceed the requirements for a normal full course load at the school corporation.

(3) The course access program course is logistically infeasible.

However, a school corporation may not deny enrollment of an eligible student under subdivision (3) if the eligible student agrees to pay the cost of tuition for the applicable course access program course.

(c) If a school corporation denies a student's enrollment in a course access program course under subsection (b), the school corporation shall notify the student's parent or emancipated eligible student **of the denial and** of the parent's or student's right to appeal the school corporation's decision to the department. The parent of an eligible student or an emancipated eligible student may appeal the decision of the school corporation to the department in a manner prescribed by the department. The department shall review the school corporation's denial under subsection (b) and provide a final enrollment decision within seven (7) calendar days of receipt of the appeal.

**(d) If a school corporation denies a student's enrollment in a course access program course under subsection (b), the school corporation shall notify the department, in a manner prescribed by the department, of the reason the student was denied enrollment under subsection (b).**

SECTION 12. IC 20-32-5.1-17, AS AMENDED BY P.L.155-2020, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17. (a) The state board shall approve two (2) or more benchmark, formative, interim, or similar assessments to identify students that require remediation and provide individualized instruction in which a school corporation, charter school, state accredited nonpublic school, or eligible school (as defined in IC 20-51-1-4.7) may receive a grant under subsection ~~(c)~~: **(e)**.

**(b) Except as provided in subsection (c),** the benchmark, formative, interim, or similar assessments **approved by the state board under subsection (a)** must show alignment, verified by a third party, to Indiana's academic standards. The majority of the assessment reporting must indicate the degree to which students are on track for grade level proficiency and college and career readiness. Approved assessments must also provide predictive study results for student performance on the statewide assessment under section 7 of this chapter, not later than two (2) years after the summative assessment has been first administered.

**(c) A benchmark, formative, interim, or similar assessment administered to students in grades 8 through 10 may show**



**alignment, verified by a third party, to the nationally recognized college entrance exam required under section 7 of this chapter.**

(b) (d) A school corporation, charter school, state accredited nonpublic school, or eligible school (as defined in IC 20-51-1-4.7) may elect to administer a benchmark, formative, interim, or similar assessment described in subsection (a). If a school corporation, charter school, state accredited nonpublic school, or eligible school (as defined in IC 20-51-1-4.7) administers an assessment described in subsection (a), the school corporation, charter school, state accredited nonpublic school, or eligible school (as defined in IC 20-51-1-4.7) may prescribe the time and the manner in which the assessment is administered.

(c) (e) If a school corporation, charter school, state accredited nonpublic school, or eligible school (as defined in IC 20-51-1-4.7) elects to administer a benchmark, formative, interim, or similar assessment described in subsection (a), the school corporation, charter school, state accredited nonpublic school, or eligible school (as defined in IC 20-51-1-4.7) is entitled to receive a grant or reimbursement from the department in an amount not to exceed the cost of the assessment. The department shall provide grants and reimbursements to a school corporation, charter school, state accredited nonpublic school, or eligible school (as defined in IC 20-51-1-4.7) under this section from money appropriated to the department for the purpose of carrying out this section.

(d) (f) The state board and the department may not contract with, approve, or endorse the use of a single vendor to provide benchmark, formative, interim, or similar assessments for any grade level or levels of kindergarten through grade 7.

SECTION 13. IC 20-37-2-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 13. (a) As used in this section, "applicable high school" means a high school at which all the students participate in a work based learning course (as defined in IC 20-43-8-0.7) or school based enterprise.**

**(b) As used in this section, "primary use of the building" means an occupancy classification that is:**

- (1) most closely related to the intended use of the building;**
- and**
- (2) determined by the rules of the fire prevention and building safety commission established by IC 22-12-2-1 in effect at the time that the applicable high school is first opened.**



**(c) An applicable high school shall comply with all rules of the fire prevention and building safety commission applicable to the primary use of the building.**

SECTION 14. IC 20-48-1-9, AS AMENDED BY HEA 1271-2021, SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 9. (a) If the governing body of a school corporation finds and declares that an emergency exists to borrow money with which to pay current expenses from a particular fund before the receipt of revenues from taxes levied or state tuition support distributions for the fund, the governing body may issue warrants in anticipation of the receipt of the revenues.

(b) The principal of warrants issued under subsection (a) is payable solely from the fund for which the taxes are levied or from the school corporation's education fund in the case of anticipated state tuition support distributions. However, the interest on the warrants may be paid from the debt service fund, from the operations fund, or the education fund in the case of anticipated state tuition support distributions. A governing body may not increase the debt service fund levy to pay for the interest on the warrants unless

(1) ~~the warrants have been issued; and~~

(2) ~~the school corporation has received the proceeds from the warrants.~~

**the warrants have been authorized by the governing body in a resolution adopted at a public meeting in the year immediately preceding the year in which the warrants will be issued.**

(c) The amount of principal of temporary loans maturing on or before June 30 for any fund may not exceed eighty percent (80%) of the amount of taxes and state tuition support distributions estimated to be collected or received for and distributed to the fund at the June settlement.

(d) The amount of principal of temporary loans maturing after June 30 and on or before December 31 may not exceed eighty percent (80%) of the amount of taxes and state tuition support distributions estimated to be collected or received for and distributed to the fund at the December settlement.

(e) The county auditor or the auditor's deputy shall determine the estimated amount of taxes and state tuition support distributions to be collected or received and distributed. The warrants evidencing a loan in anticipation of tax revenue or state tuition support distributions may not be delivered to the purchaser of the warrant and payment may not be made on the warrant before January 1 of the year the loan is to be repaid. However, the proceedings necessary for the loan may be held



and carried out before January 1 and before the approval. The loan may be made even though a part of the last preceding June or December settlement has not been received.

(f) Proceedings for the issuance and sale of warrants for more than one (1) fund may be combined. Separate warrants for each fund must be issued, and each warrant must state on the face of the warrant the fund from which the warrant's principal is payable. An action to contest the validity of a warrant may not be brought later than fifteen (15) days after the first publication of notice of sale.

(g) An issue of tax or state tuition support anticipation warrants may not be made if the total of all tax or state tuition support anticipation warrants exceeds twenty thousand dollars (\$20,000) until the issuance is advertised for sale, bids are received, and an award is made by the governing body as required for the sale of bonds, except that the publication of notice of the sale is not necessary:

- (1) outside the county; or
- (2) more than ten (10) days before the date of sale."

Delete pages 2 through 3.

Page 6, line 1, after "study" insert "**methods of improving school building utilization by a school corporation in order to provide savings that may be used to improve teacher salaries and**".

Page 6, line 2, delete "findings regarding charter school" and insert "**findings.**".

Page 6, line 3, delete "funding."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 413 as printed February 19, 2021.)

BEHNING

Committee Vote: yeas 9, nays 4.

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#### HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 413 be amended to read as follows:

Page 7, delete lines 13 through 42, begin a new paragraph and insert:

ES 413—LS 7229/DI 120



"SECTION 11. IC 20-30-16-5, AS AMENDED BY HEA 1438-2021, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. (a) Except as provided in subsection (c), an eligible student may enroll in course access program courses offered by a course provider that is authorized by the department in accordance with policies adopted by the state board under this chapter.

(b) If an eligible student requests to enroll in a course access program course, the school corporation shall, not later than fifteen (15) days after the date the eligible student submits the request to the school corporation, notify the student's parent or emancipated eligible student of the following:

- (1) Whether the school corporation approves or denies the request.
- (2) If the school corporation denies the request, information explaining that the parent or student may appeal the school corporation's decision to the department.

If the school corporation fails to notify an eligible student's parent or emancipated eligible student within the time period established under this subsection, the eligible student is automatically approved for enrollment in the course access program course.

(c) A school corporation may deny an eligible student's enrollment in a course access program only for the following reasons:

- (1) The eligible student's enrollment in the course access program course would exceed the requirements for a normal full course load at the school corporation.
- (2) The cost of the course access program course is unreasonable.

However, a school corporation may not deny enrollment of an eligible student under subdivisions (1) and (2) if the eligible student agrees to pay the cost of tuition for the applicable course access program course.

**(d) If a school corporation denies a student's enrollment in a course access program course under subsection (c), the school corporation shall notify the department, in a manner prescribed by the department, of the reason the student was denied enrollment under subsection (c).**

~~(d)~~ (e) If a school corporation denies a student's enrollment in a course access program course under subsection (c), the parent of an eligible student or an emancipated eligible student may appeal the decision of the school corporation to the department in a manner prescribed by the state board.

~~(e)~~ (f) The department shall:



(1) review the school corporation's denial under subsection (c);  
and  
(2) provide a final enrollment decision;  
within seven (7) calendar days of receipt of the appeal."  
Page 8, delete lines 1 through 3.  
(Reference is to ESB 413 as printed April 8, 2021.)

BEHNING

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HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 413 be amended to read as follows:

Page 13, line 5, delete "eleven (11)" and insert "**thirteen (13)**".

Page 13, between lines 29 and 30, begin a new line block indented and insert:

**"(7) Two (2) members who are superintendents of a school corporation in which:**

**(1) one (1) member is appointed by the speaker of the house of representatives; and**

**(2) one (1) member is appointed by the president pro tempore of the senate."**

Page 13, line 38, delete "six (6)" and insert "**seven (7)**".

Page 13, line 39, delete "six (6)" and insert "**seven (7)**".

(Reference is to ESB 413 as printed April 8, 2021.)

BEHNING

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HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 413 be amended to read as follows:

Page 13, line 5, delete "eleven (11)" and insert "**thirteen (13)**".

Page 13, between lines 29 and 30, begin a new line block indented and insert:

**"(7) One (1) member who is a member of the house of representatives appointed by the minority leader of the house of representatives.**



**(8) One (1) member who is a member of the senate appointed by the minority leader of the senate."**

Page 13, line 38, delete "six (6)" and insert "**seven (7)**".

Page 13, line 39, delete "six (6)" and insert "**seven (7)**".

(Reference is to ESB 413 as printed April 8, 2021.)

DELANEY

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HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 413 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-3-26-9, AS ADDED BY P.L.269-2017, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 9. (a) The governor shall appoint a chief data officer, who serves at the pleasure of the governor.

(b) The chief data officer shall do the following:

- (1) Serve as the executive head of the MPH.
- (2) Advise executive state agencies and political subdivisions regarding state best practices concerning the creation and maintenance of data.
- (3) Coordinate data analytics and transparency master planning for the executive state agencies and provide leadership regarding state data analytics and transparency.
- (4) Serve as the state data ombudsman under IC 4-3-26.1.**
- (5) Provide for the review of the MPH policies, procedures, and practices by the MPH data advisory committee.**
- (6) Develop and maintain a data catalog of available data sets which shall be made available on the MPH's Internet web site."**

Page 1, line 5, strike "in carrying" and insert "**to do the following: (A) Carry**".

Page 1, line 7, after "data." begin a new line double block indented and insert:

**"(B) Provide data from executive state agencies and, if not in the possession of the MPH, facilitate the providing of data from executive state agencies to the general assembly and its members, staff, and agencies necessary or**



**appropriate to carry out the legislative functions of the state."**

Page 1, line 7, beginning with "In" begin a new line block indented.

Page 1, line 10, delete "IC 4-1-6" and insert "**applicable laws including IC 2-5-1.1-5, IC 2-5-1.7, IC 4-1-6,**".

Page 1, line 12, after "agencies," insert "**members and staff of**".

Page 2, between lines 2 and 3, begin a new line double block indented and insert:

**"(B) A request by the legislative services agency for government information subject to IC 2-5-1.7 shall be made and the information provided in conformity with that chapter.**

**(C) A request by a member of the general assembly or staff of the house of representatives or senate for government information subject to IC 2-5-1.7 shall be made in the same manner as a request made by the legislative services agency under IC 2-5-1.7."**

Page 2, line 3, strike "(B)" and insert "(D)".

Page 2, delete lines 24 through 42, begin a new line block indented and insert:

**"(9) Establish and maintain a data library that describes and documents the data sets and fields in the data sets that are possessed by the MPH and each executive state agency. The MPH shall provide access to the data library to the legislative services agency and members and staff of the general assembly.**

SECTION 3. IC 4-3-26-11, AS ADDED BY P.L.269-2017, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 11. Each executive state agency shall do the following:

- (1) In a manner determined by the MPH, make available to the MPH the government information the MPH requires under this chapter in a nonproprietary format.
- (2) As requested by the MPH, make available personnel with **subject matter or** technical expertise to facilitate sharing of government information.

SECTION 4. IC 4-3-26-17 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 17. (a) As used in this section, "committee" refers to the MPH data advisory committee.

(b) The MPH data advisory committee is established.

(c) The committee consists of the following nine (9) members:





(1) The executive director of the legislative services agency or the executive director's designee, who shall serve as a nonvoting member.

(2) One (1) member of the house of representatives appointed by the speaker of the house of representatives.

(3) One (1) member of the house of representatives appointed by the minority leader of the house of representatives.

(4) One (1) member of the senate appointed by the president pro tempore of the senate.

(5) One (1) member of the senate appointed by the minority leader of the senate.

(6) The following four (4) members appointed jointly by the speaker of the house of representatives and the president pro tempore of the senate:

(A) One (1) member who represents an Indiana based philanthropic organization.

(B) One (1) member who represents an Indiana based nonprofit organization that has knowledge in using data to connect job seekers, educational institutions, and employers to advance Indiana's skilled workforce.

(C) One (1) member who represents a business or industry with knowledge of education and workforce policy.

(D) One (1) member who represents an Indiana based grant making foundation with a mission to advance health and education.

(d) A member of the committee appointed under subsection (c)(6):

(1) serves for a term of four (4) years; and

(2) may be removed from the committee by the member's appointing authority for just cause.

Vacancies in the appointments to the committee shall be filled by the appointing authority. A member appointed under this subsection serves for the remainder of the unexpired term.

(e) The members appointed under subsection (c)(2) and (c)(4) shall alternate serving as the chairperson of the committee every other year, with the member appointed under subsection (c)(2) serving as chairperson the first year of the committee. The committee shall meet at the call of the chairperson.

(f) The committee shall meet on the call of the chairperson. The chairperson shall develop the agenda for committee meetings in consultation with the alternate chairperson described in subsection (e). The chairperson is responsible for establishing agendas for



committee meetings after receiving and considering recommended agenda items from the members of the committee and the chief data officer.

(g) Five (5) members of the committee constitute a quorum. The affirmative vote of at least a majority of the members of the committee is necessary for the committee to take official action.

(h) The legislative services agency shall staff the committee. The MPH shall assist the committee as provided by this chapter, as provided by IC 4-3-26.1, and as requested by the chairperson of the committee to carry out the responsibilities of the committee. As requested by the chairperson of the committee, executive state agencies shall do the following:

(1) In a manner determined by the chairperson of the committee, make available to the committee the government information the committee requires under this chapter in a nonproprietary format.

(2) As requested by the chairperson of the committee, make available personnel with subject matter expertise and personnel with technical expertise to facilitate sharing of government information.

The committee shall work with executive state agencies to carry out the responsibilities of the committee without unreasonably interfering with the primary responsibilities of the executive state agencies or requiring the employment of additional employees or contractors not otherwise budgeted for the purposes of this chapter.

(i) Expenses of the committee shall be paid from appropriations to the legislative council for legislator and lay member travel or, as determined by the personnel subcommittee of the legislative council, another appropriation to the legislative council and legislative services agency.

(j) Each member of the committee who is not a state employee is entitled to the same per diem, mileage, and other reimbursement for actual expenses incurred in connection with the member's duties paid to lay members of interim study committees established by the legislative council.

(k) Each member of the committee who is a state employee but who is not a member of the general assembly is not entitled to per diem but is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties as provided in the policies and procedures adopted by the legislative council.



**(l) Each member of the committee who is a member of the general assembly is entitled to receive the same per diem, mileage, and travel allowances paid to legislative members of interim study committees established by the legislative council.**

SECTION 5. IC 4-3-26-18 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 18. (a) As used in this section, "committee" refers to the MPH data advisory committee.**

**(b) The committee shall do the following:**

**(1) Review the MPH procedures, policies, and practices for the collection, retention, use, and disclosure of governmental information, including procedures and safeguards to protect the privacy, integrity, confidentiality, and availability of data.**

**(2) Review the MPH procedures, policies, and practices to ensure compliance with state and federal privacy laws.**

**(3) Review the adequacy of executive state agency government information systems, collection practices, and policies and practices to meet requests for data sharing.**

**(4) Facilitate the resolution of data sharing issues not resolved by the state data ombudsman and any other data sharing matters.**

**(5) Advise the MPH on the development and maintenance of a data library.**

**(6) Study what additional data sets that are not possessed by the MPH should be provided to the MPH and whether the number of memorandums of understanding can be reduced and standardized to facilitate data sharing.**

**(7) Study whether an independent or nonpartisan entity should perform the functions of the MPH described under IC 4-3-26-10(1) through IC 4-3-26-10(4).**

**(8) Make recommendations to the MPH, executive state agencies, and the legislative council to facilitate implementation of best practices in sharing and protecting data in state government.**

**(9) Advise the chief data officer as requested by the chief data officer.**

**(c) Before November 1 of each year, the committee shall provide a report to the legislative council describing the activities, findings, and recommendations of the committee. The report must be submitted to the executive director of the legislative services agency in an electronic format under IC 5-14-6.**



SECTION 6. IC 4-3-26.1 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]:

**Chapter 26.1. State Data Ombudsman**

**Sec. 1.** The definitions in IC 4-3-26 apply throughout this chapter.

**Sec. 2.** As used in this chapter, "committee" refers to the MPH data advisory committee established by IC 4-3-26-17.

**Sec. 3.** As used in this chapter, "legislative data sharing request" refers to a request for government information made by a member of the general assembly or staff of the house of representatives or the senate for the purpose of carrying out the responsibilities of the general assembly and its members.

**Sec. 4.** As used in this chapter, "ombudsman" refers to the state data ombudsman described in section 5 of this chapter.

**Sec. 5.** The chief data officer appointed under IC 4-3-26-9 shall serve as the state data ombudsman.

**Sec. 6.** The ombudsman shall take all actions necessary or appropriate to facilitate the maximum amount of data sharing of government information consistent with privacy and confidentiality laws.

**Sec. 7.** A legislative data sharing request may be submitted to the ombudsman for government information in the possession of the MPH or in another executive state agency. If the requested governmental information is not in the possession of the MPH, the ombudsman shall work with the executive state agency possessing the information to provide the information. The committee may establish standards for the submission of a particular request under this section. Absent a documented reason for the delay, the ombudsman shall provide the requestor with the requested government information not later than thirty (30) days after receiving the request. However, after the general assembly's organizational meeting and during a session of the general assembly, the MPH and any other executive state agency with the government information shall work with the requestor to provide the information as soon as practicable in less than thirty (30) days, as needed, to accommodate the legislative schedule.

**Sec. 8.** As soon as feasible after receiving a legislative data sharing request and not later than five (5) business days after receiving the request the ombudsman shall inform the requestor of the following:

- (1) What information is available to the MPH.



**(2) A description of what steps the MPH will need to take to fulfill the data request.**

**(3) The time frame in which the information will be available to the requestor.**

**(4) A description of any obstacles that might delay or limit the delivery of the requested government information.**

**If one (1) or more obstacles will delay or limit delivery of the requested information, the ombudsman shall facilitate the resolution of the matters. If a request for data by a member of the general assembly takes longer than originally determined by the MPH, the ombudsman shall communicate to the requestor what steps the MPH is taking to fulfill the data request and provide an updated time frame in which the data request will be available to the member of the general assembly.**

**Sec. 9. Each executive state agency shall, to the greatest extent possible under the law, promptly and timely cooperate with the ombudsman to resolve any data issues relating to a legislative data sharing request.**

**Sec. 10. If the requestor making a legislative data sharing request and the ombudsman cannot agree on a satisfactory resolution of the request, the ombudsman or the requestor, or both may submit the matter to the committee. The committee shall review the matter and advise the requestor and the ombudsman on how the matter may be resolved.**

**Sec. 11. Nothing in this section may be construed to prevent a state agency from complying with federal or state privacy or confidentiality requirements relating to data maintained by the MPH or any other state agency."**

Delete page 3.

Page 4, delete lines 1 through 19.

Re-number all SECTIONS consecutively.

(Reference is to ESB 413 as printed April 8, 2021.)

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