



March 29, 2019

ENGROSSED HOUSE BILL No. 1209

DIGEST OF HB 1209 (Updated March 27, 2019 6:25 pm - DI 110)

Citations Affected: IC 20-26; IC 34-30.

Synopsis: Discipline of coaches. Requires the department of education (department) to notify the Indiana High School Athletic Association (association) of any license revocation or suspension involving a licensed teacher who has been convicted of certain offenses or committed misconduct. Provides that a school corporation, charter high school, or nonpublic high school with at least one employee must report to the association when a nonteaching or volunteer coach has been convicted of certain offenses. Requires the association to revoke the accreditation of any coach who has been convicted of certain offenses. Provides that, before a school corporation, charter high school, or nonpublic high school with at least one employee hires or allows an individual to coach an association recognized sport, the school corporation, charter high school, or nonpublic high school shall:
(Continued next page)

Effective: July 1, 2019.

Schaibley, Cook, Thompson, Goodin

(SENATE SPONSORS — HEAD, KRUSE, RAATZ)

January 10, 2019, read first time and referred to Committee on Education.
January 17, 2019, amended, reported — Do Pass.
January 22, 2019, read second time, amended, ordered engrossed.
January 23, 2019, engrossed.
January 24, 2019, read third time, passed. Yeas 98, nays 0.

SENATE ACTION

February 27, 2019, read first time and referred to Committee on Education and Career Development.
March 28, 2019, amended, reported favorably — Do Pass.

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Digest Continued

(1) ask the individual: (A) whether the individual is or has been accredited by the association; and (B) if the individual is or has been accredited by the association, whether the individual's accreditation has ever been suspended or revoked; (2) request references from the individual; (3) contact the references that the individual provides; and (4) contact the association to determine whether the individual is accredited by the association. Requires expanded criminal history checks for volunteer coaches. Provides that school corporations, charter high schools, and accredited nonpublic schools with at least one employee are, regarding volunteer coaches, subject to a statute that establishes a penalty if an employer prevents a discharged employee from obtaining employment with any other person. Provides that the: (1) association or its employees; (2) department or the department's employees; or (3) school corporation, charter high school, or nonpublic high school with at least one employee or its employees; are immune from civil liability for any act done or omitted unless the action constitutes gross negligence or willful or wanton misconduct.



March 29, 2019

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

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

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

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2018 Regular and Special Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1209

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

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

- 1 SECTION 1. IC 20-26-14-2.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2019]: **Sec. 2.5. As used in this chapter,**
4 **"coach" refers to a coach of grades 9 through 12 in all association**
5 **recognized sports, including nonteaching and volunteer coaches.**
6 SECTION 2. IC 20-26-14-8 IS ADDED TO THE INDIANA CODE
7 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
8 1, 2019]: **Sec. 8. (a) The department shall notify the association of**
9 **any license revocation or suspension involving a licensed teacher**
10 **(as defined in IC 20-18-2-22) under IC 20-28-5-8 who:**
11 **(1) has:**
12 **(A) been convicted of an offense described in**
13 **IC 20-28-5-8(c) or of a known comparable offense in**
14 **another state; or**
15 **(B) committed misconduct described in IC 20-28-5-7; and**
16 **(2) is also a coach accredited by the association.**
17 **(b) A school corporation, charter high school, or nonpublic high**

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1 school with at least one (1) employee must report to the association,
 2 in a manner prescribed by the association, when a nonteaching or
 3 volunteer coach accredited by the association has been convicted
 4 of an offense described in IC 20-28-5-8(c) or of a known
 5 comparable offense in another state.

6 (c) The association shall develop a rule to suspend or revoke the
 7 coaching accreditation of a teacher who has been reported to the
 8 association under subsection (a) for committing misconduct
 9 described in IC 20-28-5-7.

10 (d) The association shall revoke the accreditation of any coach
 11 who has been convicted of an offense described in IC 20-28-5-8.
 12 The association may, after holding a hearing on the matter,
 13 reinstate the accreditation of an individual whose accreditation has
 14 been revoked by the association if the individual's conviction has
 15 been reversed, vacated, or set aside on appeal.

16 (e) Nothing in this section shall be construed to prohibit the
 17 association from revoking a coaching accreditation or otherwise
 18 imposing any other form of discipline for misconduct not described
 19 in IC 20-28-5-7 or IC 20-28-5-8.

20 (f) The:

21 (1) association or its employees;

22 (2) department or its employees; or

23 (3) school corporation, charter high school, or nonpublic high
 24 school with at least one (1) employee or its employees;

25 are immune from civil liability for any act done or omitted under
 26 this section or section 9 of this chapter unless the action constitutes
 27 gross negligence or willful or wanton misconduct.

28 SECTION 3. IC 20-26-14-9 IS ADDED TO THE INDIANA CODE
 29 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 30 1, 2019]: Sec. 9. (a) Before a school corporation, charter high
 31 school, or nonpublic high school with at least one (1) employee
 32 hires or allows an individual to coach an association recognized
 33 sport, the school corporation, charter high school, or nonpublic
 34 high school shall:

35 (1) ask the individual:

36 (A) whether the individual is or has been accredited by the
 37 association; and

38 (B) if the individual is or has been accredited by the
 39 association, whether the individual's accreditation has ever
 40 been suspended or revoked;

41 (2) request references from the individual;

42 (3) contact the references that the individual provides to the



1 school corporation, charter school, or accredited nonpublic
2 high school; and

3 (4) contact the association to determine whether the
4 individual is accredited by the associaion.

5 (b) Before allowing an individual to be a volunteer coach, a
6 school corporation, charter high school, or nonpublic high school
7 with at least one (1) employee shall conduct an expanded criminal
8 history check (as defined in IC 20-26-2-1.5) on the individual.

9 (c) A school corporation, charter high school, or nonpublic high
10 school with at least one (1) employee is subject to IC 22-5-3-1
11 regarding a volunteer coach.

12 SECTION 4. IC 34-30-2-86.5 IS ADDED TO THE INDIANA
13 CODE AS A NEW SECTION TO READ AS FOLLOWS
14 [EFFECTIVE JULY 1, 2019]: **Sec. 86.5. IC 20-26-14-8 (Concerning**
15 **teacher license revocation reporting).**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1209, 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, line 16, delete "referee" and insert "**sports official**".

Page 2, line 4, delete ":" and insert "**or sports official licensed by the association:**".

Page 2, line 8, delete "or".

Page 2, line 9, after "IC 20-28-5-7;" insert "**or**

(C) in the case of a sports official who is not an employee of the school corporation, committed acts that could be viewed as misconduct described in IC 20-28-5-7;".

Page 2, line 10, delete "or referee licensed".

Page 2, line 12, delete "must" and insert "**shall**".

Page 2, line 12, delete "repository" and insert "**data base**".

Page 2, line 13, delete "department" and insert "**school corporation, charter high school, or nonpublic school with at least one (1) employee**".

Page 2, line 15, after "coach" delete "," and insert "**and in addition to meeting the requirements set forth in IC 20-26-5-10,**".

Page 2, line 18, delete "repository" and insert "**data base**".

Page 2, line 19, delete "must develop a policy to determine whether" and insert "**shall develop a rule to suspend or revoke**".

Page 2, line 20, delete "to rescind or negate".

Page 2, line 20, delete "referee license" and insert "**sports official license for misconduct under IC 20-28-5-7 or comparable misconduct for a sports official**".

Page 2, between lines 25 and 26, begin a new paragraph and insert:

"(f) The association shall permanently revoke the accreditation of any coach or license of any sports official who has been convicted of an offense described in IC 20-28-5-8.

(g) Nothing in this section shall be construed to prohibit the association from revoking a coaching accreditation or sports official license or otherwise imposing any other form of discipline



for misconduct not described in IC 20-28-5-7 or IC 20-28-5-8."

Page 2, line 26, delete "(f)" and insert "**(h)**".

and when so amended that said bill do pass.

(Reference is to HB 1209 as introduced.)

BEHNING

Committee Vote: yeas 9, nays 0.

HOUSE MOTION

Mr. Speaker: I move that House Bill 1209 be amended to read as follows:

Page 1, after line 17, begin a new line blocked left and insert:

"Upon receipt of the information from the department, the association shall maintain the information in the data base established by the association under subsection (c)."

Page 2, line 16, after "nonpublic" insert "**high**".

Page 2, line 20, after "nonpublic" insert "**high**".

Page 2, line 41, after "nonpublic" insert "**high**".

(Reference is to HB 1209 as printed January 18, 2019.)

SCHAIBLEY

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred House Bill No. 1209, 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, line 16, delete "or sports official licensed".

Page 2, delete lines 1 through 34, begin a new paragraph and insert:

"(b) A school corporation, charter high school, or nonpublic high school with at least one (1) employee must report to the association, in a manner prescribed by the association, when a

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nonteaching or volunteer coach accredited by the association has been convicted of an offense described in IC 20-28-5-8(c) or of a known comparable offense in another state.

(c) The association shall develop a rule to suspend or revoke the coaching accreditation of a teacher who has been reported to the association under subsection (a) for committing misconduct described in IC 20-28-5-7."

Page 2, line 35, delete "(f)" and insert "(d)".

Page 2, line 35, delete "permanently".

Page 2, line 36, delete "or license of any sports official".

Page 2, line 37, after "IC 20-28-5-8." insert "**The association may, after holding a hearing on the matter, reinstate the accreditation of an individual whose accreditation has been revoked by the association if the individual's conviction has been reversed, vacated, or set aside on appeal.**".

Page 2, line 38, delete "(g)" and insert "(e)".

Page 2, line 39, delete "or sports".

Page 2, line 40, delete "official license".

Page 2, line 42, delete "(h)" and insert "(f)".

Page 3, line 1, after "employees;" delete "or".

Page 3, between lines 1 and 2, begin a new line block indented and insert:

"(2) department or its employees; or".

Page 3, line 2, delete "(2)" and insert "(3)".

Page 3, line 5, after "section" insert "**or section 9 of this chapter**".

Page 3, between lines 6 and 7, begin a new paragraph and insert:

"SECTION 3. IC 20-26-14-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 9. (a) Before a school corporation, charter high school, or nonpublic high school with at least one (1) employee hires or allows an individual to coach an association recognized sport, the school corporation, charter high school, or nonpublic high school shall:**

(1) ask the individual:

(A) whether the individual is or has been accredited by the association; and

(B) if the individual is or has been accredited by the association, whether the individual's accreditation has ever been suspended or revoked;

(2) request references from the individual;

(3) contact the references that the individual provides to the school corporation, charter school, or accredited nonpublic



high school; and

(4) contact the association to determine whether the individual is accredited by the association.

(b) Before allowing an individual to be a volunteer coach, a school corporation, charter high school, or nonpublic high school with at least one (1) employee shall conduct an expanded criminal history check (as defined in IC 20-26-2-1.5) on the individual.

(c) A school corporation, charter high school, or nonpublic high school with at least one (1) employee is subject to IC 22-5-3-1 regarding a volunteer coach."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1209 as reprinted January 23, 2019.)

RAATZ, Chairperson

Committee Vote: Yeas 10, Nays 0.

