

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.

HOUSE ENROLLED ACT No. 1209

AN ACT to amend the Indiana Code concerning education.

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

SECTION 1. IC 20-26-14-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2.5. As used in this chapter, "coach" refers to a coach of grades 9 through 12 in all association recognized sports, including nonteaching and volunteer coaches.**

SECTION 2. IC 20-26-14-8 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 8. (a) The department shall notify the association of any license revocation or suspension involving a licensed teacher (as defined in IC 20-18-2-22) under IC 20-28-5-8 who:**

(1) has:

(A) been convicted of an offense described in IC 20-28-5-8(c) or of a known comparable offense in another state; or

(B) committed misconduct described in IC 20-28-5-7(1) or IC 20-28-5-7(2); and

(2) is also a coach accredited by the association.

(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 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.

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(c) The association shall develop a rule, as soon as practicable, 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(1) or IC 20-28-5-7(2).

(d) The association shall revoke the accreditation of any coach who has been convicted of an offense described in IC 20-28-5-8. 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.

(e) Nothing in this section shall be construed to prohibit the association from revoking a coaching accreditation or otherwise imposing any other form of discipline for misconduct not described in IC 20-28-5-7(1), IC 20-28-5-7(2), or IC 20-28-5-8.

(f) The:

- (1) association or its employees;
- (2) department or its employees; or
- (3) school corporation, charter high school, or nonpublic high school with at least one (1) employee or its employees;

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

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's accreditation has ever been suspended or



revoked.

(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) Without conferring the rights of an employee on a volunteer coach, 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, including the provisions for civil immunity regarding disclosures made about a volunteer coach.

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



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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