



Reprinted
April 15, 2015

ENGROSSED HOUSE BILL No. 1483

DIGEST OF HB 1483 (Updated April 14, 2015 7:03 pm - DI 71)

Citations Affected: IC 20-18; IC 20-26; IC 20-27; IC 20-28; IC 20-29; IC 20-30; IC 20-32; noncode.

Synopsis: Various education issues. Provides that if the school is closed on a noninstructional day on which a teacher is required to work or teacher professional development training or education is provided and the work day or the training or education is rescheduled, the teacher shall work on the rescheduled day without additional compensation. Adds "school psychologist" to the definition of "teacher" for the purposes of teacher preparation and licensing. Requires an election for a student to have legal settlement in the school corporation whose attendance area contains the residence of the student's mother or father to be made on a yearly basis and apply throughout the school year unless the student's parent no longer resides within the attendance area of the school corporation. Provides that the visual acuity required of a school bus driver is not required of a school bus monitor. Allows the parties negotiating a collective bargaining agreement to agree to
(Continued next page)

Effective: July 1, 2015.

Thompson

(SENATE SPONSORS — KRUSE, SCHNEIDER)

January 14, 2015, read first time and referred to Committee on Education.
January 27, 2015, amended, reported — Do Pass.
February 10, 2015, read second time, amended, ordered engrossed.
February 11, 2015, engrossed.
February 12, 2015, read third time, passed. Yeas 95, nays 2.

SENATE ACTION

February 24, 2015, read first time and referred to Committee on Education & Career Development.
April 9, 2015, amended, reported favorably — Do Pass.
April 14, 2015, read second time, amended, ordered engrossed.

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Digest Continued

request informal mediation with a mediator appointed by the Indiana education employment relations board (IEERB) before an impasse is declared. Provides that if the parties have not reached an agreement by October 1, an impasse is declared, and the IEERB shall appoint a mediator. Provides that the IEERB, with mutual agreement by the parties, may appoint a financial consultant to assist a factfinder. Allows informal collective bargaining to begin before July 1 and formal collective bargaining to begin after July 1. Provides for reimbursement of the IEERB by the parties involved in mediation. Requires a complaint for an unfair practice to be filed within three years after the alleged unfair practice or within three years after the date on which the school employer or school employee reasonably should have known of the alleged unfair practice. Provides that a person who has served as a mediator in a dispute between a school employer and an exclusive representative may not serve as a factfinder in a dispute arising in the same school corporation within a period of two years except by the mutual consent of the parties. Changes the date in which a factfinding hearing in an impasse procedure must occur. Requires a school corporation to conduct at least 180 instructional days and at least the equivalent number of hours each school year. Allows a school corporation to use hours that exceed the minimum hour requirement to make up lost student instructional time. Provides that an accredited school may not offer, support, or promote a student program, class, or activity that provides student instruction that is contrary to a curriculum required to be provided to students. Provides that a school corporation may: (1) instruct students about the history of traditional winter celebrations; (2) allow the use of traditional greetings concerning the celebrations; and (3) display on school property scenes or symbols associated with traditional winter celebrations if certain conditions are met and the scenes or symbols do not include a message that encourages a particular religious belief. Requires the state board of education to develop guidelines to assist school corporations in developing appropriate instruction and displays. Requires the department of education to allow the use of computer or digital response technology to complete a statewide, national, or international student assessment. Provides that a school corporation or school may allow a student to use computer or digital response technology to complete an assessment. Urges the legislative council to assign to an existing study committee the topic of determining appropriate and feasible incentives to encourage highly effective teachers to teach in poor performing schools.



Reprinted
April 15, 2015

First Regular Session of the 119th General Assembly (2015)

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1483

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 20-18-2-22, AS AMENDED BY P.L.43-2014,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2015]: Sec. 22. (a) "Teacher" means a professional person
4 whose position in a school corporation requires certain educational
5 preparation and licensing and whose primary responsibility is the
6 instruction of students.
7 (b) For purposes of IC 20-28, the term includes the following:
8 (1) A superintendent who holds a license under IC 20-28-5.
9 (2) A principal.
10 (3) A teacher.
11 (4) A librarian.
12 (5) A school counselor.
13 (6) **A school psychologist.**
14 SECTION 2. IC 20-26-11-2.5, AS ADDED BY P.L.141-2006,
15 SECTION 93, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 JULY 1, 2015]: Sec. 2.5. (a) In the case of a student described in
2 section 2(3) of this chapter, the:

3 (1) parent granted physical custody by a court; or

4 (2) student, if the student is at least eighteen (18) years of age;
5 may ~~not later than fourteen (14) days before the first student day of the~~
6 ~~school year~~; elect for the student to have legal settlement in the school
7 corporation whose attendance area contains the residence of the
8 student's mother or the school corporation whose attendance area
9 contains the residence of the student's father.

10 (b) An election under subsection (a) ~~may~~ **shall** be made ~~only~~ on a
11 yearly basis **and applies throughout the school year unless the**
12 **student's parent no longer resides within the attendance area of the**
13 **school corporation.**

14 (c) The parent or student who makes an election under subsection
15 (a) is not required to pay transfer tuition.

16 SECTION 3. IC 20-27-8-1, AS ADDED BY P.L.1-2005, SECTION
17 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
18 2015]: Sec. 1. (a) An individual may not drive a school bus for the
19 transportation of students or be employed as a school bus monitor
20 unless the individual satisfies the following requirements:

21 (1) Is of good moral character.

22 (2) Does not use intoxicating liquor during school hours.

23 (3) Does not use intoxicating liquor to excess at any time.

24 (4) Is not addicted to any narcotic drug.

25 (5) Is at least:

26 (A) twenty-one (21) years of age for driving a school bus; or

27 (B) eighteen (18) years of age for employment as a school bus
28 monitor.

29 (6) In the case of a school bus driver, holds a valid public
30 passenger chauffeur's license or commercial driver's license
31 issued by the state or any other state.

32 (7) Possesses the following required physical characteristics:

33 (A) Sufficient physical ability to be a school bus driver, as
34 determined by the committee.

35 (B) The full normal use of both hands, both arms, both feet,
36 both legs, both eyes, and both ears.

37 (C) Freedom from any communicable disease that:

38 (i) may be transmitted through airborne or droplet means; or

39 (ii) requires isolation of the infected person under 410
40 IAC 1-2.3.

41 (D) Freedom from any mental, nervous, organic, or functional
42 disease that might impair the person's ability to properly



1 operate a school bus.

2 **(E) This clause does not apply to a school bus monitor.**

3 Visual acuity, with or without glasses, of at least 20/40 in each
4 eye and a field of vision with one hundred fifty (150) degree
5 minimum and with depth perception of at least eighty percent
6 (80%).

7 (b) This subsection applies to a school bus monitor.
8 Notwithstanding subsection (a)(5)(B), a school corporation or school
9 bus driver may not employ an individual who is less than twenty-one
10 (21) years of age as a school bus monitor unless the school corporation
11 or school bus driver does not receive a sufficient number of qualified
12 applicants for employment as a school bus monitor who are at least
13 twenty-one (21) years of age. A school corporation or school bus driver
14 shall maintain a record of applicants, their ages, and their qualifications
15 to show compliance with this subsection.

16 SECTION 4. IC 20-28-9-15, AS ADDED BY P.L.1-2005,
17 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JULY 1, 2015]: Sec. 15. **(a) Except as provided in subsections (b)
19 and (c), if during the term of the teacher's contract:**

20 (1) the school is closed by order of the:

- 21 (A) school corporation; or
22 (B) health authorities; or

23 (2) school cannot be conducted through no fault of the teacher;
24 the teacher shall receive regular payments during that time.

25 **(b) If a canceled student instructional day (as defined in**
26 **IC 20-30-2-2) is rescheduled to comply with IC 20-30-2, each teacher**
27 **and (notwithstanding IC 20-27-8-7) each school bus driver shall work**
28 **on that rescheduled day without additional compensation.**

29 **(c) If a school is closed under subsection (a) on a day that is not**
30 **an instructional day:**

31 **(1) on which the teacher is required to work and that work**
32 **day is rescheduled; or**

33 **(2) on which teacher professional development training or**
34 **education is provided and the training or education is**
35 **rescheduled;**

36 **each teacher required to work or attend the teacher professional**
37 **development training or education shall work or attend the**
38 **training or education on that rescheduled day without additional**
39 **compensation.**

40 SECTION 5. IC 20-29-6-12, AS AMENDED BY P.L.229-2011,
41 SECTION 178, IS AMENDED TO READ AS FOLLOWS
42 [EFFECTIVE JULY 1, 2015]: Sec. 12. Formal collective bargaining



1 between a school corporation and the exclusive representative shall not
2 begin before:

- 3 (1) ~~August~~ **July 1** in the first year of the state budget biennium;
4 or
5 (2) ~~August~~ **July 1** in the second year of the state budget biennium
6 if the parties agreed to a one (1) year contract during the first year
7 of the state budget biennium or the contract provides for
8 renegotiating certain financial items the second year of a two (2)
9 year contract.

10 Informal negotiations may be held before ~~August~~ **July 1**.

11 SECTION 6. IC 20-29-6-13, AS AMENDED BY P.L.6-2012,
12 SECTION 139, IS AMENDED TO READ AS FOLLOWS
13 [EFFECTIVE JULY 1, 2015]: Sec. 13. (a) **At any time before**
14 **declaring an impasse, the parties may request, by mutual**
15 **agreement, informal mediation with a board appointed mediator.**
16 **All costs of the informal mediation shall be borne equally by the**
17 **parties. The parties shall determine the number of informal**
18 **mediation sessions, but in no case may informal mediation take**
19 **place beyond September 30.**

20 (b) ~~If~~, at any time after at least sixty (60) days following the
21 beginning of formal bargaining collectively between the parties an
22 impasse is declared, **Regardless of when the parties begin**
23 **collectively bargaining, if the parties are unable to reach an**
24 **agreement by October 1, the board shall declare an impasse and**
25 appoint a mediator from the board's staff or an ad hoc panel.

26 ~~(b)~~ **(c) The board shall appoint** the mediator ~~shall begin mediation~~
27 within fifteen (15) days after the board receives notice of impasse.

28 ~~(c)~~ **(d) The mediation must consist of at least one (1) but** not more
29 than three (3) mediation sessions and must result in one (1) of the
30 following:

- 31 (1) An agreement between the parties on the items permitted to be
32 bargained under section 4 of this chapter.
33 (2) **The exchange of** each party's last best offer, including fiscal
34 rationale, related to items permitted to be bargained under section
35 4 of this chapter.

36 ~~(d)~~ **(e) Costs for the mediator shall be borne equally by the parties.**
37 **The board shall initially reimburse the mediator for the mediator's**
38 **services performed. Parties shall reimburse the board by paying all**
39 **costs associated with mediation within thirty (30) days after**
40 **receiving the invoice from the board.**

41 ~~(e)~~ **(f) Mediation shall be completed within thirty (30) days.**

42 SECTION 7. IC 20-29-6-15.1, AS ADDED BY P.L.229-2011,



1 SECTION 181, IS AMENDED TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2015]: Sec. 15.1. (a) If an agreement has not
 3 been reached on the items permitted to be bargained collectively under
 4 section 4 of this chapter, within ~~fifteen (15)~~ **thirty (30)** days after
 5 mediation under section 13 of this chapter has ended, the board shall
 6 initiate factfinding.

7 (b) Factfinding must culminate in the factfinder imposing contract
 8 terms on the parties. The factfinder must select one (1) party's last best
 9 offer as the contract terms. The factfinder's order must be restricted to
 10 only those items permitted to be bargained and included in the
 11 collective bargaining agreement under section 4 of this chapter and
 12 must not put the employer in a position of deficit financing (as defined
 13 in IC 20-29-2-6). The factfinder's order may not impose terms beyond
 14 those proposed by the parties in their last, best offers.

15 (c) **Upon mutual agreement of the parties, the board may**
 16 **appoint a financial consultant to assist the factfinder during the**
 17 **factfinding process.** Costs for the factfinder **and a financial**
 18 **consultant** shall be borne equally by the parties. **The board shall**
 19 **initially reimburse the factfinder or financial consultant for their**
 20 **services. Parties shall reimburse the board by paying all costs**
 21 **associated with the factfinding within thirty (30) days after**
 22 **receiving an invoice from the board.**

23 (d) Factfinding may not last longer than ~~fifteen (15)~~ **thirty (30)**
 24 days.

25 SECTION 8. IC 20-29-6-18, AS AMENDED BY P.L.6-2012,
 26 SECTION 140, IS AMENDED TO READ AS FOLLOWS
 27 [EFFECTIVE JULY 1, 2015]: Sec. 18. (a) Either party may appeal the
 28 decision of the factfinder under IC 20-29-6-15.1. The appeal must be
 29 filed not later than thirty (30) days after receiving the factfinder's
 30 decision.

31 (b) The board's decision must be restricted to only those items
 32 permitted to be bargained and included in the collective bargaining
 33 agreement under section 4 of this chapter and must not put the
 34 employer in a position of deficit financing, as defined in IC 20-29-2-6.
 35 The board's decision may not impose terms beyond those proposed by
 36 the parties in their last, best offers.

37 (c) The board must rule on the appeal within ~~thirty (30)~~ **sixty (60)**
 38 days after receipt of notice of appeal.

39 SECTION 9. IC 20-29-7-4, AS ADDED BY P.L.1-2005, SECTION
 40 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 41 2015]: Sec. 4. (a) Unfair practices are remediable under this section.

42 (b) A school employer or a school employee who believes the



1 employer or employee is aggrieved by an unfair practice may file a
2 complaint under oath:

- 3 (1) setting out a summary of the facts involved; and
4 (2) specifying the section or sections of this article alleged to have
5 been violated.

6 **The complaint must be filed within three (3) years after the alleged**
7 **unfair practice or within three (3) years after the date on which the**
8 **school employer or school employee reasonably should have known**
9 **of the alleged unfair practice.**

10 (c) The board shall:

- 11 (1) give notice to the person or school employee organization
12 against whom the complaint is directed; and
13 (2) determine the matter raised in the complaint.

14 (d) Appeals may be taken under IC 4-21.5-3.

15 (e) A hearing examiner or agent of the board, who may be a member
16 of the board, may:

- 17 (1) take testimony; and
18 (2) make findings and conclusions.

19 (f) The board, but not a hearing examiner or agent of the board, may
20 enter the interlocutory orders, after summary hearing, the board
21 considers necessary in carrying out the intent of this chapter.

22 SECTION 10. IC 20-29-8-7, AS AMENDED BY P.L.229-2011,
23 SECTION 183, IS AMENDED TO READ AS FOLLOWS
24 [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) When a factfinder is
25 requested or required under IC 20-29-6, the board shall appoint a
26 factfinder from the **board's** staff or **a member of the board's ad hoc**
27 **panel. established under section 6 of this chapter.**

28 (b) The factfinder shall make an investigation and hold hearings as
29 the factfinder considers necessary in connection with a dispute.

30 (c) The factfinder:

- 31 (1) may restrict the factfinder's findings to those issues that the
32 factfinder determines significant;
33 (2) must restrict the findings to the items listed in IC 20-29-6-4;
34 and
35 (3) may not impose terms beyond those proposed by the parties in
36 their last, best offers.

37 (d) The factfinder may use evidence furnished to the factfinder by:

- 38 (1) the parties;
39 (2) the board;
40 (3) the board's staff; or
41 (4) any other state agency.

42 (e) The factfinder shall conduct the factfinding hearing in public in



1 a room or facility owned by the county or local unit of government
 2 located in the county in which the school employer is located, or if the
 3 school employer is located in more than one (1) county, in the county
 4 in which the greatest number of students who attend the school
 5 employer's schools reside. The public hearing may begin not earlier
 6 than October 1 in the first year of the state budget biennium and must
 7 be concluded by ~~December 31 of the same year.~~ **February 1 of the**
 8 **following calendar year.**

9 (f) The factfinding process may not exceed ~~fifteen (15)~~ **thirty (30)**
 10 days from beginning to end, and not more than two (2) of those days
 11 may be used for public testimony, which may be taken at the discretion
 12 of the factfinder. During the public hearing, each party shall present
 13 fully its last, best offer, including the fiscal rationale for the offer. Only
 14 general operating funds and those funds certified by the department of
 15 education and the department of local government finance may be
 16 considered as a source of the funding for items, unless the school
 17 funding formula allows other funds to be used for certain items.

18 (g) The factfinder shall make a recommendation as to the settlement
 19 of the disputes over which the factfinder has jurisdiction.

20 (h) The factfinder shall:

- 21 (1) make the investigation, hearing, and findings as expeditiously
- 22 as the circumstances permit; and
- 23 (2) deliver the findings to the parties and to the board.

24 (i) The board, after receiving the findings and recommendations,
 25 may make additional findings and recommendations to the parties
 26 based on information in:

- 27 (1) the report; or
- 28 (2) the board's own possession.

29 The board may not make any recommendations to the parties related to
 30 any items not specifically identified in IC 20-29-6-4.

31 (j) At any time within five (5) days after the findings and
 32 recommendations are delivered to the board, the board may make the
 33 findings and recommendations of the factfinder and the board's
 34 additional findings and recommendations, if any, available to the
 35 public through news media and other means the board considers
 36 effective.

37 (k) The board shall make the findings and recommendations
 38 described in subsection (j) available to the public not later than ten (10)
 39 days after the findings and recommendations are delivered to the board.

40 SECTION 11. IC 20-29-8-10.1, AS ADDED BY P.L.229-2011,
 41 SECTION 184, IS AMENDED TO READ AS FOLLOWS
 42 [EFFECTIVE JULY 1, 2015]: Sec. 10.1. A person who has served as

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1 a mediator in a dispute between a school employer and an exclusive
 2 representative may not serve as a factfinder in a dispute arising in the
 3 same school corporation within a period of ~~five (5)~~ **two (2)** years
 4 except by the mutual consent of the parties.

5 SECTION 12. IC 20-30-2-1, AS ADDED BY P.L.1-2005,
 6 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2015]: Sec. 1. **(a)** As used in this chapter, "instructional time"
 8 is time during which students are participating in:

- 9 (1) an approved course;
 10 (2) a curriculum; or
 11 (3) an educationally related activity;

12 under the direction of a teacher, including a reasonable amount of
 13 passing time between classes.

14 **(b)** Instructional time does not include **the following:**

- 15 **(1)** Lunch. ~~or~~
 16 **(2)** Recess.
 17 **(3) Time lost due to a delayed start time, except time lost**
 18 **during the final twenty (20) instructional days of a school**
 19 **year.**
 20 **(4) Time lost due to an early student dismissal, except time**
 21 **lost during the final twenty (20) instructional days of a school**
 22 **year.**

23 SECTION 13. IC 20-30-2-3, AS ADDED BY P.L.1-2005,
 24 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2015]: Sec. 3. **(a)** For each school year, a school corporation
 26 shall conduct at least:

- 27 **(1)** one hundred eighty (180) student instructional days; **and**
 28 **(2) either:**
 29 **(A) nine hundred (900) student instructional hours, for**
 30 **students in grades 1 through 6; or**
 31 **(B) one thousand eighty (1,080) student instructional**
 32 **hours, for students in grades 7 through 12.**

33 **(b)** Not later than June 15 of each school year, the superintendent of
 34 each school corporation shall certify to the department the number of
 35 student instructional days **and hours** conducted during that school
 36 year.

37 **(c) A loss of instructional time described in section 1(b)(3) or**
 38 **1(b)(4) of this chapter on a particular day does not preclude a**
 39 **school corporation from counting that day as an instructional day**
 40 **under this section.**

41 SECTION 14. IC 20-30-2-4.5 IS ADDED TO THE INDIANA
 42 CODE AS A **NEW** SECTION TO READ AS FOLLOWS



1 [EFFECTIVE JULY 1, 2015]: **Sec. 4.5. If a school corporation fails**
 2 **to conduct the minimum number of student instructional hours**
 3 **during a school year as required under section 3 of this chapter,**
 4 **the department shall reduce the August tuition support**
 5 **distribution to that school corporation for a school year by an**
 6 **amount determined as follows:**

7 **STEP ONE: Determine the number of students in grades 1**
 8 **through 6 in the school corporation and multiply that number**
 9 **by nine hundred (900).**

10 **STEP TWO: Determine the number of students in grades 7**
 11 **through 12 in the school corporation and multiply that**
 12 **number by one thousand eighty (1,080).**

13 **STEP THREE: Add the results determined under STEP ONE**
 14 **and STEP TWO.**

15 **STEP FOUR: Determine the amount of the total tuition**
 16 **support allocated to the school corporation for the particular**
 17 **school year and divide that number by the sum determined**
 18 **under STEP THREE.**

19 **STEP FIVE: Subtract the number of student instructional**
 20 **hours that the school corporation conducted for grades 1**
 21 **through 6 from nine hundred (900).**

22 **STEP SIX: Subtract the number of student instructional**
 23 **hours that the school corporation conducted for grades 7**
 24 **through 12 from one thousand eighty (1,080).**

25 **STEP SEVEN: Add the remainders determined under STEP**
 26 **FIVE and STEP SIX.**

27 **STEP EIGHT: Multiply the sum determined under STEP**
 28 **SEVEN by the quotient determined under STEP FOUR.**

29 **STEP NINE: Subtract the product determined under STEP**
 30 **EIGHT from the amount of the total tuition support allocated**
 31 **to the school corporation for the particular school year.**

32 SECTION 15. IC 20-30-2-5, AS ADDED BY P.L.1-2005,
 33 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2015]: Sec. 5. The department may grant a waiver of the
 35 penalty imposed under section 4 of this chapter for a particular number
 36 of canceled student instructional days **or hours** if:

37 (1) the school corporation applies to the department for a waiver
 38 of the penalty imposed under section 4 of this chapter for a
 39 specific number of canceled student instructional days **or hours**;
 40 and

41 (2) each of the particular number of student instructional days **or**
 42 **hours** requested to be waived under this section was canceled due



1 to extraordinary circumstances.

2 SECTION 16. IC 20-30-5-21 IS ADDED TO THE INDIANA
3 CODE AS A NEW SECTION TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2015]: **Sec. 21. An accredited school may not
5 offer, support, or promote any student program, class, or activity
6 that provides student instruction that is contrary to a curriculum
7 required to be provided to students under this chapter.**

8 SECTION 17. IC 20-30-6-18 IS ADDED TO THE INDIANA
9 CODE AS A NEW SECTION TO READ AS FOLLOWS
10 [EFFECTIVE JULY 1, 2015]: **Sec. 18. (a) Each school corporation
11 may:**

12 **(1) instruct students about the history of traditional winter
13 celebrations; and**

14 **(2) allow students and employees to offer traditional greetings
15 regarding the celebrations, including:**

16 **(A) "Merry Christmas";**

17 **(B) "Happy Hanukkah";**

18 **(C) "Happy Holidays"; and**

19 **(D) other seasonal greetings.**

20 **(b) Except as provided in subsection (c), a school corporation
21 may display on property owned by the school corporation scenes
22 or symbols associated with traditional winter celebrations,
23 including a Menorah, Christmas tree, Nativity scene, or other
24 religious symbol associated with traditional winter celebrations, if
25 the display includes a scene or symbol of:**

26 **(1) more than one (1) religion; or**

27 **(2) one (1) religion and at least one (1) secular scene or
28 symbol.**

29 **(c) A display described in subsection (b) may not include a
30 message that encourages adherence to a particular religious belief.**

31 **(d) An individual teacher (as defined in IC 20-18-2-22) may
32 incorporate displays, scenes, or symbols under subsection (b),
33 subject to subsection (c), if the displays, scenes, or symbols comply
34 with policies established by the governing body.**

35 **(e) The state board shall develop guidelines to assist school
36 corporations in developing appropriate instruction and displays
37 concerning traditional winter celebrations.**

38 SECTION 18. IC 20-32-2-2.3 IS ADDED TO THE INDIANA
39 CODE AS A NEW SECTION TO READ AS FOLLOWS
40 [EFFECTIVE JULY 1, 2015]: **Sec. 2.3. "ISTEP program test"
41 includes any statewide, national, or international assessment that
42 a student is required to complete.**



1 SECTION 19. IC 20-32-5-9, AS AMENDED BY P.L.286-2013,
 2 SECTION 108, IS AMENDED TO READ AS FOLLOWS
 3 [EFFECTIVE JULY 1, 2015]: Sec. 9. ~~(a)~~ **As used in this section,**
 4 **"ISTEP program test" includes any statewide assessment that a student**
 5 **is required to complete.**

6 ~~(b)~~ **(a)** After reports of student scores are returned to a school
 7 corporation, the school corporation shall promptly do the following:

8 (1) Give each student and the student's parent the student's ISTEP
 9 program test scores.

10 (2) Make available for inspection to each student and the student's
 11 parent the following:

12 (A) A copy of all questions that are not multiple choice or true
 13 and false and prompts used in assessing the student.

14 (B) A copy of the student's scored responses.

15 (C) A copy of the anchor papers and scoring rubrics used to
 16 score the student's responses.

17 A student's parent may request a rescoring of a student's responses to
 18 an ISTEP program test, including a student's essay.

19 ~~(c)~~ **(b)** A student's ISTEP program test scores may not be disclosed
 20 to the public.

21 SECTION 20. IC 20-32-5-15.5 IS ADDED TO THE INDIANA
 22 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 23 [EFFECTIVE JULY 1, 2015]: **Sec. 15.5. (a) The department shall**
 24 **allow the use of computer or digital response technology to**
 25 **complete an ISTEP program test.**

26 **(b) A school corporation or school may allow a student to use**
 27 **computer or digital response technology to complete an ISTEP**
 28 **program test.**

29 SECTION 21. [EFFECTIVE JULY 1, 2015] **(a) The general**
 30 **assembly urges the legislative council to assign to an existing study**
 31 **committee, for study during the 2015 legislative interim, the topic**
 32 **of determining appropriate and feasible incentives to encourage**
 33 **highly effective teachers to teach in poor performing schools.**

34 **(b) This SECTION expires November 1, 2015.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1483, 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.

Delete pages 2 through 4.

Page 5, delete lines 1 through 17.

Page 7, between lines 9 and 10, begin a new paragraph and insert: "SECTION 7. IC 20-29-6-12, AS AMENDED BY P.L.229-2011, SECTION 178, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 12. ~~Formal~~ Collective bargaining between a school corporation and the exclusive representative ~~shall not~~ **may** begin before:

(1) August 1 in the first year of the state budget biennium; or

(2) August 1 in the second year of the state budget biennium if the parties agreed to a one (1) year contract during the first year of the state budget biennium or the contract provides for renegotiating certain financial items the second year of a two (2) year contract.

~~Informal negotiations may be held before August 1:~~

Page 7, line 12, after "(a)" insert "**At any time prior to declaring an impasse, the parties may request, by mutual agreement, informal mediation with a board appointed mediator. All costs of the informal mediation shall be borne equally by the parties. The parties shall determine the number of informal mediation sessions, but in no case may informal mediation take place beyond August 31.**

~~(b)~~

Page 7, line 13, strike "formal".

Page 7, line 14, after "parties" delete "," and insert "**or after August 1, whichever is later,**".

Page 7, line 16, strike "(b)" and insert "(c)".

Page 7, line 18, strike "(c)" and insert "(d)".

Page 7, line 25, strike "(d)" and insert "(e)".

Page 7, line 30, strike "(e)" and insert "(f)".

Page 8, line 4, delete "The" and insert "**Upon mutual agreement of the parties, the**".

Page 9, line 24, reset in roman "fifteen (15)".

Page 9, line 24, delete "thirty (30)".



Page 10, delete lines 20 through 42.

Page 11, delete lines 1 through 9.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1483 as introduced.)

BEHNING

Committee Vote: yeas 11, nays 0.

HOUSE MOTION

Mr. Speaker: I move that House Bill 1483 be amended to read as follows:

Page 3, delete lines 2 through 19, begin a new paragraph and insert:
"SECTION 3. IC 20-29-6-7, AS AMENDED BY P.L.286-2013, SECTION 92, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. **(a)** A school employer shall discuss **the items described in subsection (b)** with: ~~the exclusive representative of certificated employees~~ the following items:

- (1) a proportionate number of employees who are represented by an exclusive representative determined by the exclusive representative in the same manner as the percentage of teacher positions are determined under IC 20-29-5-7; and**
- (2) a proportionate number of employees who are not members who are represented by an exclusive representative determined by the superintendent in the same manner as the percentage of teacher positions are determined under IC 20-29-5-7.**

(b) The following items may be discussed with employees in a manner set forth in subsection (a):

- (1) Curriculum development and revision.
- (2) Selection of curricular materials.
- (3) Teaching methods.
- (4) Hiring, evaluation, promotion, demotion, transfer, assignment, and retention of certificated employees.
- (5) Student discipline.
- (6) Expulsion or supervision of students.
- (7) Pupil/teacher ratio.
- (8) Class size or budget appropriations.
- (9) Safety issues for students and employees in the workplace,

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except those items required to be kept confidential by state or federal law.
(10) Hours."

(Reference is to HB 1483 as printed January 27, 2015.)

THOMPSON

HOUSE MOTION

Mr. Speaker: I move that House Bill 1483 be amended to read as follows:

Page 2, line 35, reset in roman "this article."

Page 2, line 35, delete "IC 20-29-6-4."

Page 4, line 35, after "process." insert "**The financial consultant shall be selected by the factfinder.**"

Page 5, line 29, after "staff" delete "." and insert "**, or if no member of the board's staff is able to serve as factfinder, the board may appoint a person who has been properly trained to serve as a factfinder.**"

(Reference is to HB 1483 as printed January 27, 2015.)

BEHNING

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred House Bill No. 1483, 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, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 20-18-2-22, AS AMENDED BY P.L.43-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 22. (a) "Teacher" means a professional person whose position in a school corporation requires certain educational preparation and licensing and whose primary responsibility is the instruction of students.

(b) For purposes of IC 20-28, the term includes the following:

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- (1) A superintendent who holds a license under IC 20-28-5.
- (2) A principal.
- (3) A teacher.
- (4) A librarian.
- (5) A school counselor.
- (6) A school psychologist.**

SECTION 2. IC 20-26-11-2.5, AS ADDED BY P.L.141-2006, SECTION 93, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2.5. (a) In the case of a student described in section 2(3) of this chapter, the:

- (1) parent granted physical custody by a court; or
- (2) student, if the student is at least eighteen (18) years of age; ~~may not later than fourteen (14) days before the first student day of the school year;~~ elect for the student to have legal settlement in the school corporation whose attendance area contains the residence of the student's mother or the school corporation whose attendance area contains the residence of the student's father.

(b) An election under subsection (a) ~~may~~ **shall** be made ~~only~~ on a yearly basis **and applies throughout the school year unless the student's parent no longer resides within the attendance area of the school corporation.**

(c) The parent or student who makes an election under subsection (a) is not required to pay transfer tuition.

SECTION 3. IC 20-27-8-1, AS ADDED BY P.L.1-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) An individual may not drive a school bus for the transportation of students or be employed as a school bus monitor unless the individual satisfies the following requirements:

- (1) Is of good moral character.
- (2) Does not use intoxicating liquor during school hours.
- (3) Does not use intoxicating liquor to excess at any time.
- (4) Is not addicted to any narcotic drug.
- (5) Is at least:
 - (A) twenty-one (21) years of age for driving a school bus; or
 - (B) eighteen (18) years of age for employment as a school bus monitor.
- (6) In the case of a school bus driver, holds a valid public passenger chauffeur's license or commercial driver's license issued by the state or any other state.
- (7) Possesses the following required physical characteristics:
 - (A) Sufficient physical ability to be a school bus driver, as determined by the committee.



(B) The full normal use of both hands, both arms, both feet, both legs, both eyes, and both ears.

(C) Freedom from any communicable disease that:

- (i) may be transmitted through airborne or droplet means; or
- (ii) requires isolation of the infected person under 410 IAC 1-2.3.

(D) Freedom from any mental, nervous, organic, or functional disease that might impair the person's ability to properly operate a school bus.

(E) **This clause does not apply to a school bus monitor.** Visual acuity, with or without glasses, of at least 20/40 in each eye and a field of vision with one hundred fifty (150) degree minimum and with depth perception of at least eighty percent (80%).

(b) This subsection applies to a school bus monitor. Notwithstanding subsection (a)(5)(B), a school corporation or school bus driver may not employ an individual who is less than twenty-one (21) years of age as a school bus monitor unless the school corporation or school bus driver does not receive a sufficient number of qualified applicants for employment as a school bus monitor who are at least twenty-one (21) years of age. A school corporation or school bus driver shall maintain a record of applicants, their ages, and their qualifications to show compliance with this subsection."

Page 2, delete lines 10 through 42.

Page 3, delete lines 1 through 29.

Page 3, line 32, reset in roman "Formal".

Page 3, line 32, delete "Collective" and insert "collective".

Page 3, line 33, reset in roman "shall not".

Page 3, line 34, delete "may".

Page 3, line 35, strike "August" and insert "**July**".

Page 3, line 36, strike "August" and insert "**July**".

Page 3, line 40, reset in roman "Informal negotiations may be held before".

Page 3, line 40, after "August" insert "**July**".

Page 3, line 40, reset in roman "1.".

Page 3, delete lines 41 through 42.

Page 4, delete lines 1 through 27, begin a new paragraph and insert:
"SECTION 6. IC 20-29-6-13, AS AMENDED BY P.L.6-2012, SECTION 139, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 13. (a) At any time before declaring an impasse, the parties may request, by mutual agreement, informal mediation with a board appointed mediator.



All costs of the informal mediation shall be borne equally by the parties. The parties shall determine the number of informal mediation sessions, but in no case may informal mediation take place beyond September 30.

(b) If, at any time after at least sixty (60) days following the beginning of formal bargaining collectively between the parties an impasse is declared, Regardless of when the parties begin collectively bargaining, if the parties are unable to reach an agreement by October 1, the board shall declare an impasse and appoint a mediator from the board's staff or an ad hoc panel.

(c) The board shall appoint the mediator shall begin mediation within fifteen (15) days after the board receives notice of impasse.

(d) The mediation must consist of at least one (1) but not more than three (3) mediation sessions and must result in one (1) of the following:

(1) An agreement between the parties on the items permitted to be bargained under section 4 of this chapter.

(2) **The exchange of** each party's last best offer, including fiscal rationale, related to items permitted to be bargained under section 4 of this chapter.

(e) Costs for the mediator shall be borne equally by the parties. The board shall initially reimburse the mediator for the mediator's services performed. Parties shall reimburse the board by paying all costs associated with mediation within thirty (30) days after receiving the invoice from the board.

(f) Mediation shall be completed within thirty (30) days."

Page 5, line 3, delete "The financial consultant shall be selected by".

Page 5, line 4, delete "the factfinder."

Page 5, line 10, strike "fifteen (15)" and insert "**thirty (30)**".

Page 5, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 8. IC 20-29-6-18, AS AMENDED BY P.L.6-2012, SECTION 140, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 18. (a) Either party may appeal the decision of the factfinder under IC 20-29-6-15.1. The appeal must be filed not later than thirty (30) days after receiving the factfinder's decision.

(b) The board's decision must be restricted to only those items permitted to be bargained and included in the collective bargaining agreement under section 4 of this chapter and must not put the employer in a position of deficit financing, as defined in IC 20-29-2-6. The board's decision may not impose terms beyond those proposed by the parties in their last, best offers.



(c) The board must rule on the appeal within ~~thirty (30)~~ **sixty (60)** days after receipt of notice of appeal."

Page 5, line 40, delete ", or if no member of the board's staff".

Page 5, delete line 41.

Page 5, line 42, delete "has been properly trained to serve as a factfinder."

Page 5, line 42, reset in roman "or".

Page 5, line 42, after "or" insert "**a member of the board's ad hoc**".

Page 5, line 42, reset in roman "panel".

Page 5, line 42, after "panel" insert ".".

Page 6, line 25, strike "fifteen (15)" and insert "**thirty (30)**".

Page 7, between lines 20 and 21, begin a new paragraph and insert:
"SECTION 11. IC 20-30-2-1, AS ADDED BY P.L.1-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. **(a)** As used in this chapter, "instructional time" is time during which students are participating in:

- (1) an approved course;
- (2) a curriculum; or
- (3) an educationally related activity;

under the direction of a teacher, including a reasonable amount of passing time between classes.

(b) Instructional time does not include **the following**:

- (1)** Lunch. ~~or~~
- (2)** Recess.
- (3)** Time lost due to a delayed start time, except time lost during the final twenty (20) instructional days of a school year.
- (4)** Time lost due to an early student dismissal, except time lost during the final twenty (20) instructional days of a school year.

SECTION 12. IC 20-30-2-3, AS ADDED BY P.L.1-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. **(a)** For each school year, a school corporation shall conduct at least:

- (1)** one hundred eighty (180) student instructional days; **and**
- (2) either:**
 - (A)** nine hundred (900) student instructional hours, for students in grades 1 through 6; or
 - (B)** one thousand eighty (1,080) student instructional hours, for students in grades 7 through 12.

(b) Not later than June 15 of each school year, the superintendent of each school corporation shall certify to the department the number of



student instructional days **and hours** conducted during that school year.

(c) A loss of instructional time described in section 1(b)(3) or 1(b)(4) of this chapter on a particular day does not preclude a school corporation from counting that day as an instructional day under this section.

SECTION 13. IC 20-30-2-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 4.5. If a school corporation fails to conduct the minimum number of student instructional hours during a school year as required under section 3 of this chapter, the department shall reduce the August tuition support distribution to that school corporation for a school year by an amount determined as follows:**

STEP ONE: Determine the number of students in grades 1 through 6 in the school corporation and multiply that number by nine hundred (900).

STEP TWO: Determine the number of students in grades 7 through 12 in the school corporation and multiply that number by one thousand eighty (1,080).

STEP THREE: Add the results determined under STEP ONE and STEP TWO.

STEP FOUR: Determine the amount of the total tuition support allocated to the school corporation for the particular school year and divide that number by the sum determined under STEP THREE.

STEP FIVE: Subtract the number of student instructional hours that the school corporation conducted for grades 1 through 6 from nine hundred (900).

STEP SIX: Subtract the number of student instructional hours that the school corporation conducted for grades 7 through 12 from one thousand eighty (1,080).

STEP SEVEN: Add the remainders determined under STEP FIVE and STEP SIX.

STEP EIGHT: Multiply the sum determined under STEP SEVEN by the quotient determined under STEP FOUR.

STEP NINE: Subtract the product determined under STEP EIGHT from the amount of the total tuition support allocated to the school corporation for the particular school year.

SECTION 14. IC 20-30-2-5, AS ADDED BY P.L.1-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 5. The department may grant a waiver of the**



penalty imposed under section 4 of this chapter for a particular number of canceled student instructional days **or hours** if:

- (1) the school corporation applies to the department for a waiver of the penalty imposed under section 4 of this chapter for a specific number of canceled student instructional days **or hours**; and
- (2) each of the particular number of student instructional days **or hours** requested to be waived under this section was canceled due to extraordinary circumstances.

SECTION 15. IC 20-30-5-21 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 21. An accredited school may not offer, support, or promote any student program, class, or activity that provides student instruction that is contrary to a curriculum required to be provided to students under this chapter.**

SECTION 16. IC 20-32-2-2.3 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 2.3. "ISTEP program test" includes any statewide, national, or international assessment that a student is required to complete.**

SECTION 17. IC 20-32-5-9, AS AMENDED BY P.L.286-2013, SECTION 108, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 9. (a) As used in this section, "ISTEP program test" includes any statewide assessment that a student is required to complete:**

~~(b)~~ **(a)** After reports of student scores are returned to a school corporation, the school corporation shall promptly do the following:

- (1) Give each student and the student's parent the student's ISTEP program test scores.
- (2) Make available for inspection to each student and the student's parent the following:
 - (A) A copy of all questions that are not multiple choice or true and false and prompts used in assessing the student.
 - (B) A copy of the student's scored responses.
 - (C) A copy of the anchor papers and scoring rubrics used to score the student's responses.

A student's parent may request a rescoring of a student's responses to an ISTEP program test, including a student's essay.

~~(c)~~ **(b)** A student's ISTEP program test scores may not be disclosed to the public.

SECTION 18. IC 20-32-5-15.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS



[EFFECTIVE JULY 1, 2015]: **Sec. 15.5. (a) The department shall allow the use of computer or digital response technology to complete an ISTEP program test.**

(b) A school corporation or school may allow a student to use computer or digital response technology to complete an ISTEP program test."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1483 as reprinted February 11, 2015.)

KRUSE, Chairperson

Committee Vote: Yeas 10, Nays 0.

SENATE MOTION

Madam President: I move that Engrossed House Bill 1483 be amended to read as follows:

Page 10, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 17. IC 20-30-6-18 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 18. (a) Each school corporation may:**

- (1) instruct students about the history of traditional winter celebrations; and**
- (2) allow students and employees to offer traditional greetings regarding the celebrations, including:**
 - (A) "Merry Christmas";**
 - (B) "Happy Hanukkah";**
 - (C) "Happy Holidays"; and**
 - (D) other seasonal greetings.**

(b) Except as provided in subsection (c), a school corporation may display on property owned by the school corporation scenes or symbols associated with traditional winter celebrations, including a Menorah, Christmas tree, Nativity scene, or other religious symbol associated with traditional winter celebrations, if the display includes a scene or symbol of:

- (1) more than one (1) religion; or**
- (2) one (1) religion and at least one (1) secular scene or symbol.**

(c) A display described in subsection (b) may not include a

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message that encourages adherence to a particular religious belief.

(d) An individual teacher (as defined in IC 20-18-2-22) may incorporate displays, scenes, or symbols under subsection (b), subject to subsection (c), if the displays, scenes, or symbols comply with policies established by the governing body.

(e) The state board shall develop guidelines to assist school corporations in developing appropriate instruction and displays concerning traditional winter celebrations."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1483 as printed April 10, 2015.)

SMITH J

