

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.

HOUSE ENROLLED ACT No. 1483

AN ACT to amend the Indiana Code concerning education.

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

SECTION 1. IC 20-18-2-22, 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:

- (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

HEA 1483 — CC 1



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.

SECTION 4. IC 20-29-6-15.1, AS ADDED BY P.L.229-2011, SECTION 181, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 15.1. (a) If an agreement has not been reached on the items permitted to be bargained collectively under section 4 of this chapter, within fifteen (15) days after mediation under section 13 of this chapter has ended, the board shall initiate factfinding.

(b) Factfinding must culminate in the factfinder imposing contract terms on the parties. The factfinder must select one (1) party's last best offer as the contract terms. The factfinder's order 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 factfinder's order may not impose terms beyond those proposed by the parties in their last, best offers.

(c) Costs for the factfinder shall be borne equally by the parties.

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

SECTION 5. 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.

SECTION 6. IC 20-29-8-7, AS AMENDED BY P.L.229-2011, SECTION 183, IS AMENDED TO READ AS FOLLOWS



[EFFECTIVE JULY 1, 2015]: Sec. 7. (a) When a factfinder is requested or required under IC 20-29-6, the board shall appoint a factfinder from the staff or panel established under section 6 of this chapter.

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

(c) The factfinder:

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

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

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

(e) The factfinder shall conduct the factfinding hearing in public in a room or facility owned by the county or local unit of government located in the county in which the school employer is located, or if the school employer is located in more than one (1) county, in the county in which the greatest number of students who attend the school employer's schools reside. The public hearing may begin not earlier than October 1 in the first year of the state budget biennium and must be concluded by December 31 of the same year.

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

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

(h) The factfinder shall:

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

(i) The board, after receiving the findings and recommendations,



may make additional findings and recommendations to the parties based on information in:

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

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

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

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

SECTION 7. 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 8. 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 9. 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.

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

SECTION 10. 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.

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

(b) The general assembly urges the legislative council to assign to an existing study committee, for study during the 2015 legislative interim, the topics of:

(1) determining appropriate and feasible incentives to encourage highly effective teachers to teach in poorly performing schools; and

(2) the feasibility of changing the timelines and deadlines for:

(A) formal collective bargaining; and

(B) resolving collective bargaining impasses;

between a school corporation and the exclusive representative.

(c) This SECTION expires January 1, 2016.

SECTION 12. An emergency is declared for this act.



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

