

# 2020 LEGISLATIVE SUMMARY

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**Our kids. Our schools. Our future.**

**Indiana State Teachers Association**



## Message from the President

The 2020 legislative session has come to an end, and I want to personally thank you for advocating for educators, students and public education - you made a difference!

At the outset of the session, ISTA asked for action on three priorities: 1) Hold schools and teachers harmless from I-LEARN scores; 2) Repeal the misguided PGP/externship requirements; and 3) Put a down payment toward increasing teacher pay.

Thanks to the strength and perseverance of ISTA members and advocates, we have achieved two of our three priorities with the passage of SB 2 and SB 319. Along with these bills, we also saw other positive movement this session. ISTA will provide a full summary of education bills next week.

### Top Priorities

**SB 2:** Two year hold harmless from I-LEARN scores for schools and teachers.

**SB 319:** Removes PGP and externship requirements passed in 2019.

**HB 1002:** Permanently decouples test scores from teacher evaluations.

### Other Priorities and Accomplishments

**SB 10:** Offers retirees more pension flexibility.

**SB 246:** Ensures every school has a contract with a mental health provider or certified staff.

**HB 1283:** Makes sure that our preservice teachers get meaningful curriculum in college on how to identify and help students who have experienced trauma.

**HB 1341:** Empowers students with disabilities by making diploma and training options more accessible.

**HB 1066:** Provides stability to students and schools and reassurances of legal rights for teachers in school districts that reorganize into multiple new districts.

**Legislators missed a huge opportunity this session by not addressing teacher pay.** Lawmakers had a chance to provide a good faith down payment on teacher pay using the state's budget surplus, but they elected to do nothing. Indiana has lost yet another year, falling behind our neighboring states in catching up with teacher pay.



Gov. Eric Holcomb has made the promise to put Indiana in the top three states in our region for teacher pay and our members will expect nothing less. We will also be asking members and advocates to demand that candidates this election make public education a top issue.

ISTA will be working throughout the year and into next spring building our union's capacity for engaging our communities and stakeholders to ensure lawmakers take action in 2021 to increase traditional public school funding and the average teacher annual salary to \$60,000.

In solidarity,



Keith Gambill  
ISTA President



## 2020 ISTA Legislative Summary

### ISTA PRIORITY BILLS

SB 2 (Sen. Jeff Raatz, R – Richmond)

#### **SCHOOL ACCOUNTABILITY**

This bill provides a two-year hold harmless for school district accountability consequences and teacher evaluations from Indiana's Learning Evaluation Assessment Readiness Network (I-LEARN) scores.

SB 319 (Sen. Linda Rogers, R – Granger)

#### **PRACTITIONER OR ACCOMPLISHED PRACTITIONER LICENSE**

This bill removes a requirement mandating 15-hour professional growth points for teacher re-licensure.

HB 1002 (Rep. Tony Cook, R – Cicero)

#### **TEACHER EVALUATIONS**

Permanently decouples student test scores from teacher evaluations.

### OTHER PRIORITIES AND ACCOMPLISHMENTS

SB 10 (Sen. Phil Boots, R – Crawfordsville)

#### **PENSION MATTERS**

The bill provides that a member of the Public Employees' Retirement Fund (PERF), the Indiana State Teachers' Retirement Fund (TRF), or the legislators' defined contribution plan, who meet certain age and service requirements, may withdraw all or part of the amount in the member's annuity savings account without consequence to the member's pension benefit under the fund and without separating from a covered position.

It also removes the requirement that a member of PERF, TRF or the legislators' defined contribution plan wait 30 days after separating from a covered position to withdraw an amount from the member's annuity savings account.

Under the bill, the PERF board of trustees may offer members an alternative option for the payment of the member's retirement benefits that does not include a minimum benefit option.



SB 246 (Sen. Michael Crider, R – Greenfield)

**MENTAL HEALTH SERVICES**

The bill requires a school corporation, charter school or accredited nonpublic school to certify to the Department Of Homeland Security that they have a memorandum of understanding in place with a community mental health center or provider certified or licensed by the state to provide mental and behavioral health services to students. The school must be certified before applying for a grant from the Indiana Secured School Fund.

Requires each school corporation and charter school that enters into a memorandum of understanding with a community mental health center or appropriate provider to comply with certain confidentiality and referral requirements.

HB 1283 (Rep. Dale DeVon, R – Granger)

**TEACHER PREPARATION PROGRAM CURRICULUM**

This bill requires a teacher preparation program to include content within the curriculum that: (1) prepares teacher candidates to use evidenced based trauma informed classroom instruction and recognition of social, emotional and behavioral reactions to trauma that may interfere with a student's academic functioning; and (2) provides information on certain applicable Indiana laws. It also requires a teacher preparation program to consider using certain curricula pertaining to student trauma.

HB 1341 (Rep. Tonya Pfaff, D – Terre Haute)

**STUDENTS WITH DISABILITIES**

This bill requires the State Advisory Council on the Education of Children with Disabilities (council) to develop a plan to inform: (1) certain former students who received a certificate of completion or another non-diploma certificate of recognition; and (2) certain former students who had an individualized education program plan developed under Section 504 of the federal Rehabilitation Act, service plan or choice scholarship education plan and who withdrew from school; of certain resources and opportunities. Requires the council to submit, not later than October 1, 2020, a copy of the plan to the General Assembly.



HB 1066 (Rep. Jeff Thompson, R – Lizton)

## **VARIOUS EDUCATION MATTERS**

This bill includes many unrelated provisions, including:

- Provides certain teacher contract protections to teachers in West Clark Community Schools, whose school district may be the subject of an upcoming reorganization.
- Includes charter schools in the applicability of conflict-of-interest and anti-nepotism criminal laws applying to offenses against public administration.
- Makes clear that evaluations for teachers in the Indianapolis Public School district are decoupled from student test scores.
- Addresses when a school district can accept for admission a student whose parent is an employee of the district.
- Allows a public and private school to provide instruction to students explaining aspects of autism.
- Requires public and private schools to transfer student disciplinary records to the receiving school relevant to the safety of students.
- Allows special purpose buses to be used to transport students to and from a career and technical education program.
- Requires the Indiana Department of Education (IDOE) to publish information on its website concerning the number of full-time teachers, teacher workforce growth, number of emergency permits. It also requires the IDOE to include in its annual report certain other teacher data related to shortage areas and unfilled vacancies.
- Limits the time frame at which a school district can hire a new superintendent.
- Requires that the majority of the benchmark, formative, interim or similar assessments approved by the Indiana State Board of Education must indicate the degree to which students are on track for grade level proficiency and college and career readiness.
- Requires that a principal or a principal's designee ensure that a suspended student receives credit, in the same manner as a student who is not suspended would receive, for any assignments or schoolwork assigned during the period of the student's suspension that the student completes.
- Requires the IDOE to track student enrollment vis-à-vis course completions to dissuade the types of scandals that occurred in Indiana with virtual charter schools.
- Permits traditional public schools and charter schools to place certain patriotic images and symbols in each school library and classroom.





## ENACTED EDUCATION BILLS

HB 1003 (Rep. Jack Jordan, R – Bremen)

### EDUCATION MATTERS

ISTA opposed HB 1003 primarily for the deregulation provisions as being too broad and omitting teacher input in the waiver requests. ISTA expressed that the new accreditation process was too vague, deferring all details to the Indiana State Board of Education. ISTA did support the unification of teacher trainings provisions.

This bill does several things, including:

- Gives schools the ability to petition to the Indiana State Board of Education for waivers of state education laws and rules. ISTA felt that this provision was too vague and open-ended without also including representation by teachers' associations in the waiver application process. There is a list of laws and rules that are not waivable, any attempt at the local level must be conducted in a public hearing, and the Indiana State Board of Education must annually prepare a report that includes information to the General Assembly on the waivers requested and approved.
- Gives authority to the Indiana State Board of Education to unify and streamline the various mandated teacher trainings required to remain licensed.
- Authorizes the Indiana State Board of Education to establish a new accreditation process/system for public or private schools.

HB 1065 (Rep. Jeff Thompson, R – Lizton)

### VARIOUS TAX MATTERS

This bill turned out to be the most contentious education bill of the session. Just days before the end of the session, Sen. Linda Rogers (R – Granger) inserted an amendment that authorizes public school districts to enter into agreements to share local referenda revenue with charter schools located in the school district.

The amendment was adopted by a razor-thin vote of [26 – 25](#), with Lt. Gov. Suzanne Crouch casting the tie-breaking vote.

ISTA and other public school advocates attempted to remove the provision from the bill, however the bill passed in the Senate [31 – 18](#) and [52 – 40](#) in the House.

This bill is a major property tax reform that will increase referendum requests locally and ultimately cause local property taxpayers to pay for a part of the education of students at charter school who do not reside in the school district.

Additionally, HB 1065 has the effect of reducing the property tax base by expanding Tax Increment Finance (TIF) zone eligible properties, which removes certain properties from the tax rolls.



The bill also removes the cap on the amount of career and technical education enrollment grants that may be distributed per state fiscal year.

Virtually all community-based, traditional public-school advocacy groups rallied to defeat HB 1065. Following the session, a joint letter from ISTA and seven other K – 12 organizations was delivered to Gov. Eric Holcomb seeking his veto of this bill.

HB 1091 (Rep. Tony Cook, R – Cicero)

### **EDUCATION BENEFITS RELATING TO MILITARY SERVICE**

The bill provides that a student meets the residency requirements for enrollment at a public school if a parent of the student: (1) is transferred to or is pending transfer to a military installation within Indiana while on active duty pursuant to an official military order; and (2) submits to the public school certain information, including official documentation, as determined by the Indiana State Board of Education, regarding the transfer or pending transfer.

It also provides that the student is considered to have legal settlement in the attendance area of the school corporation in which the parent: (1) has submitted the required application and documentation; and (2) intends to reside.

HB 1113 (Rep. Dan Leonard, R – Huntington)

### **LOCAL GOVERNMENT FINANCE**

The bill provides that a political subdivision (including a school board) shall submit the date, time and place of the final adoption of the budget, tax rate and levy through the Department of Local Government Finance's computer gateway.

The bill requires a political subdivision:

- Indicate on its budget ordinance whether the political subdivision intends to issue debt after Dec. 1 or file a shortfall appeal.
- Make an additional unbudgeted appropriation to submit the additional appropriation to the Department of Local Government Finance within 15 days after the additional appropriation is adopted.

The bill provides procedures for increases for the maximum permissible ad valorem property tax levies for Sullivan County, the city of Wabash and the Wabash city school corporation.

It eliminates the requirement, in the context of teacher collective bargaining, for the Department of Local Government Finance to certify the amount of an operating referendum tax levy or a school safety referendum tax levy.





It also provides an exception to the maximum term or repayment period for bonds issued by a school corporation for a school building construction project if a loan is made or guaranteed by a federal agency.

The bill transfers responsibility for reporting by political subdivisions of other post-employment benefits from the Department of Local Government Finance to the State Board of Accounts.

HB 1151 (Rep. Peggy Mayfield, R – Martinsville)

### **SCHOOL RESOURCE OFFICERS**

This bill adds school resource officers to the definition of "public safety officer," as it relates to the public employee benefits special death benefit fund (fund). It provides that a school resource officer qualifies for the fund, if the school resource officer is not otherwise entitled to a line of duty benefit under the 1925 police pension fund, 1953 police pension fund (Indianapolis) or the 1977 police officers' and firefighters' pension and disability fund.

HB 1153 (Rep. Chuck Goodrich, R – Noblesville)

### **GOVERNOR'S WORKFORCE CABINET**

The bill provides that the Governor's Workforce Cabinet shall, on or before December 1, 2020, create a comprehensive strategic plan to ensure alignment of Indiana's primary, secondary and postsecondary education systems with Indiana's workforce training programs and employer needs. The bill requires the Governor's Workforce Cabinet to include early childhood education in its: (1) systematic and comprehensive review to determine whether Indiana's educational system is aligned with employer needs; and (2) comprehensive strategic plan to ensure alignment of Indiana's educational system with employer needs.



HB 1305 (Rep. Christy Stutzman, R – Middlebury)

**GRADUATION RATE CALCULATION**

The bill provides that a student who withdraws from school after completing grade 10, may not be included in a school's graduation rate if the student's parent submits to the school the following statements while the student is enrolled in grade 8: (1) A statement from the parent affirming that the parent has a sincerely held religious belief against the taking of a photograph and that the student will be withdrawing from school after completing grade 10 in order to complete a career pathway certification or due to the parent's deeply held religious belief. (2) A statement from a member of the clergy of the religious organization of which the parent is a member regarding the prohibition of photography of members of the religious organization. The bill also requires at least one parent of the student to provide proof that the parent has been issued a photo exempt driver's license or identification card.

HB 1419 (Rep. Robert Behning, R – Indianapolis)

**GOVERNOR'S WORKFORCE CABINET**

The bill makes changes to the membership of the Governor's Workforce Cabinet. It requires the Governor's Workforce Cabinet to work with stakeholders from early learning through the workforce to establish alignment and coordination between the Early Learning Advisory Committee, Indiana State Board of Education, Commission For Higher Education and Department of Workforce Development.

SB 190 (Sen. Travis Holdman, R – Markle)

**CONTROLLED PROJECTS**

This bill provides that the restrictions on supporting a position on a controlled project apply to any political subdivision that has assessed value within the same taxing district as the political subdivision proposing the project. It also provides that nothing shall prevent another political subdivision that has assessed value within the same taxing district as the political subdivision from adopting a resolution or taking a position on a local public question.



SB 295 (Sen. Jeff Raatz, R – Richmond)

**VARIOUS EDUCATION MATTERS**

This bill extends the date by which public schools, including charter schools and accredited nonpublic schools must provide age-appropriate research and evidence-based, or research or evidence-based, instruction on child abuse and child sexual abuse to students.

Beginning July 1, 2021, the Department of Workforce Development must implement a new Indiana career explorer program.

SB 346 (Sen. Erin Houchin, R – Salem)

**STUDENTS WITH DISABILITIES**

This bill requires the Indiana Department of Education to submit any guidance or recommendation to a school corporation or school that attempts to affect in any manner based on statewide assessment accommodations which instructional methods are included or excluded from the student's special education plan or program to the Indiana State Board of Education for approval.

The department shall, to the extent permitted under federal law, provide the same text-to-speech, screen reader or human reader and calculator accommodations to a student in grades 6 through 12 on every section of the statewide assessment if that accommodation is provided as part of the student's special education plan or program.

Under the bill, the Indiana State Board of Education, in consultation with The Arc of Indiana and the Indiana Council of Administrators of Special Education (ICASE), shall consult with one or more individuals who specialize in special education as part of the state board's oversight of the development and implementation of I-LEARN program.

It also provides that a student's score on the statewide assessment may not be the primary factor or measure used to determine whether a student is eligible for a particular course or program.

The bill establishes the Indiana Standards and Assessment Accommodation Task Force to review: (1) the accommodations provided for by Indiana's statewide assessment to determine if appropriate accommodations are available to accurately measure a student's learning; and (2) the possibility of separating the academic standard of reading comprehension into a separate reading academic standard and a comprehension academic standard.

The department, in consultation with The Arc of Indiana and ICASE, shall develop a notice for parents of certain students with disabilities that informs a parent that the student is not allowed to use certain accommodations on all or part of the statewide assessment.



Under the bill, each public school, including each charter school and each accredited nonpublic school shall do the following: (1) Provide the notice to the parent during the annual review of the student's special education plan or program; (2) If the parent does not attend the annual review, provide the notice to the parent by certified mail or personal delivery; and, (3) Discuss and determine, at the annual review of the student's special education plan or program in which a parent of the student participates, whether the student may be eligible to opt out of any applicable section of the statewide assessment.

Lastly, the bill provides that at least one member of the Indiana State Board of Education shall be a practicing licensed special education teacher or special education director at the time the member is appointed.

SB 398 (Sen. Jeff Raatz, R – Richmond)

### **VARIOUS EDUCATION MATTERS**

This bill requires public schools, upon request by certain youth membership organizations to provide at least one time each school year, a day and time, which may be during the school day as approved by the public school for the representative of the organization to provide information to students on school property.

It also establishes the high school equivalency pilot program for Richmond Community Schools, MSD Washington Township Schools and MSD Warren Township Schools to allow a student who has completed less than 50 percent of the required number of credits necessary to graduate upon entering their fourth year of high school to participate in the program to earn a high school equivalency. A student who participates in the program may not be counted in a school's graduation rate. School corporations would be allowed to contract with adult education providers to provide services under the program, if the adult education providers meet requirements. Participating school corporation are required to pay for the program from its budget or through gifts, donations, bequests, grants and funds from any other source. The school corporation is required to hold a public meeting to discuss the source of the funds. An eligible student enrolled in a school corporation may not be a student in an adult education center or adult high school. Participating school corporations are required to report to the General Assembly concerning the program.

The Department of Workforce Development will be required to ensure that the high school equivalency test is administered under certain conditions and by certain vendors.



SB 409 (Sen. Mark Messmer, R – Jasper)

### **EMPLOYMENT OF MINORS**

Beginning in 2021, the area of child labor will transfer from the Education Title to the Labor Title. Generally, the bill increases the hours that a teenager can legally work from what is currently the law.

It provides that a principal of a school may send notice to the Bureau of Youth Employment and the Bureau of Motor Vehicles to revoke the student's employment certificate and driver's license or learner's permit. The Indiana Department of Labor may establish recommendations for rest breaks.

The Labor Education and Youth Employment Fund shall be used for the expenses of hiring and salaries of additional inspectors to enforce the new chapter, including developing and maintaining the data base, and any remaining funds may be used for the purposes of education and awarding grants to provide educational programs. The Indiana Department of Labor will be required to prepare a report outlining a plan to develop and maintain a data base displaying certain employers that employ minors by August 1, 2020 and develop the data base by July 1, 2021. Schools will be able to access this data.

### **DEFEATED BAD BILLS**

HB 1222 (Rep. Tim Wesco, R – Osceola)

### **VARIOUS ELECTION MATTERS**

This bill included many election provisions that ISTA was monitoring. However, a provision was added to limit local referenda to general elections only – thereby losing opportunities at primary and special elections to appeal to taxpayers for additional revenue. ISTA, together with the various other K – 12 public school stakeholder groups worked to defeat this artificial limitation. Ultimately, the bill was not successful in the conference committee stage and failed to become enacted.

### **MISSED OPPORTUNITIES BY LAWMAKERS**

#### **TEACHER PAY**

Lawmakers failing to leverage state surplus dollars to make a good-faith, down-payment on closing the teacher compensation gap.

Indiana currently ranks last in the region in teacher compensation (IN, IL, OH, MI, WI and KY). Yet, no bill moved nor was enacted to provide additional revenue this session to close the teacher compensation gap. ISTA had advocated for \$75 million of the \$430 million surplus be spent as a down payment on next year's teacher compensation solution.



There were committee and 2nd reading amendments to include using surplus dollars for teacher compensation, but those amendments failed on party-line votes.

Instead, lawmakers rushed through HB 1007 to spend \$300 million of surplus to pay cash for university building projects that last year had already been funded through authorizations to borrow money at historically low interest rates.

The governor, in his State of the State address, supported using \$250 million of surplus dollars next session toward teacher pension payments, which would free up an additional \$50 million each year to districts for salary increases.

In the meantime, our surrounding states are not standing still waiting for Indiana to catch up.

### **VIRTUAL CHARTER SCHOOLS**

In the wake of an \$85 million scandal, the General Assembly failed to hold virtual charter schools accountable to students and Indiana taxpayers.

Lawmakers did little to acknowledge the alleged criminal wrongdoing of two virtual charter schools. HB 1066 requires the Indiana Department of Education to track student ID numbers relative to course completions and all charter schools will now come under the definition of “governmental entity” for purposes of Indiana’s conflict-of-interest and anti-nepotism laws. There were several stronger attempts at accountability on which lawmakers declined to act, including:

- Any money recouped from this most recent scandal should be reallocated to teacher compensation.
- Subject charter schools (including virtual charters) to annual state board of accounts auditing as is the case for our community-based, traditional public schools.
- Prohibit authorizers and organizers of charter schools that are failing or have closed from reopening in another form or as another school.
- Require all charter schools to secure a surety bond to cover acts of negligence, malfeasance or misfeasance.
- Subject charter schools (including virtual charters) to the same laws on governmental purchasing authority and contracting to which our community-based, traditional public schools must adhere.
- Provide that a charter school (including virtual charters) in the bottom two grade classifications for at least three consecutive years may not admit new students (stop the bleeding).
- Tie the charter school administrator fee to student performance.

