

2022 ISTA Legislative Summary

ISTA PRIORITIES AND LEGISLATIVE SUCCESSES

PASSED: SB 2 – Virtual Funding and ADM/Tuition Support

(Sen. Jeff Raatz, R – Richmond)

The bill clarifies and resolves complications that arose in the fall semester during COVID-related fluctuations in enrollment due to remote learning, school closures and quarantining. The bill also added language that requires the Indiana Department of Education (IDOE) to study early graduation counts for purposes of later considering funding an early graduation grant incentive to school districts. This bill was an ISTA legislative priority.

ISTA Position: Support

DEFEATED: SB 17 – Library Censorship/Harmful Materials to Minors

(Sen. Jim Tomes, R – Evansville)

The bill would have removed existing legal defenses schools and school libraries have in locally determining educational materials to be used. Had this bill passed, these matters would likely have ended up in litigation without benefiting from first resolving them through administrative steps.

This bill died in the House after not getting a committee hearing. However, the language was inserted into a conference committee report for HB 1369 in the waning hours of the session (an unrelated bill dealing with prison sentencing), hours before the end of the legislative session.

HB 1369 passed out of the House but failed in the Senate 21-29.

ISTA Position: Oppose



DEFEATED: SB 167/HB 1134 – Curriculum

(Sen. Scott Baldwin, R – Noblesville/Rep. Tony Cook, R – Cicero)

These bills started out as essentially the same bill moving in the House and Senate. The bills were similar to others that have been introduced in at least 41 other states borne out of a false national narrative to ban the teaching of critical race theory and to limit how teachers discuss race.

SB 167 failed to make it out of the Senate Education Committee after hours of testimony from educators which in turn sparked national outrage over comments made by the bill's author, Sen. Scott Baldwin, R – Noblesville. Within a week from being acted on in committee, Senate President Pro Tempore Rod Bray, R – Martinsville, took the rare step of issuing a statement that there was no path forward for SB 167 and would not be considered. Despite overwhelming opposition, the House continued moving HB 1134.

Both bills began with a broad approach in banning teachers from including or promoting certain vague concepts, together with other unworkable restraints and constraints centered on instituting a web portal through which essentially every material, lesson, activity and other items and summaries would need to be posted.

Both versions would have put up significant, impractical, and relationship-destroying barriers to having meaningful conversations with students and parents. Both versions sought to stifle teacher and school employee assistance to kids who seek social-emotional help.

While these elements, and others dealing with curriculum committees and student surveys eventually were slightly improved by the Senate in HB 1134 and only after a tremendous amount of advocacy, it became clear that the foundation of the bill was simply wrong for Indiana and incapable of being rehabilitated.

Despite dying in the Senate after not being called for a vote on third reading, there were some last-minute attempts to insert elements of HB 1134 into a conference committee report up through the final day of session. Thanks to the continued advocacy of members and advocates, these attempts failed.

ISTA Position: Oppose



PASSED: SR 31 – Highlighting the Community Schools Model

(Sen. J.D. Ford, D-Indianapolis)

This Senate resolution highlights the good work of Community Schools and urges the adoption of this model across Indiana schools.

ISTA Position: Support.

PASSED: SR 41 - Study Issues Related to Education Support Professionals

(Sen. Rodney Pol, D – Chesterton)

This Senate resolution urges the Legislative Council to study the pay and working conditions of Education Support Professionals and the impact that shortages of these valued school staff have on students and schools. This resolution was an ISTA legislative priority.

ISTA Position: Support.

DEFEATED: HB 1072 – School Referenda/Revenue Sharing for Charters

(Rep. Bob Behning, R – Indianapolis)

This bill would have required a school corporation to distribute a portion of revenue received from a ballot referendum to charter schools based on a proportional formula for charter students who reside within the attendance zone of the school corporation. Existing law already gives districts the option to share referenda revenue with charter schools, and this should remain a local option.

ISTA Position: Oppose

PASSED: HB 1130 – School Board Meetings Public Comment

(Rep. Tim O’Brien, R – Evansville)

The bill requires school boards to allow for oral public comment at school board meetings. It provides that a school board can establish reasonable rules governing the taking of oral public comment, including setting total time allotted for receiving oral public comment on a topic. The bill also addresses when a school board meeting can be virtual due to emergency conditions.

ISTA Position: Support



DEFEATED: HB 1182 – Partisan School Board Elections

(Rep. J.D. Prescott, R – Union City)

The bill would have required candidates for school board elections to declare party affiliation on local public ballots, thus inserting more politics into classrooms. The bill was directly and ironically contrary to other bills this session (e.g., SB 167/HB 1134) that purportedly sought to remove politics from classrooms. It would have also gone backwards on the rationale that making the superintendent of public instruction an appointed role would help take politics out of public education. HB 1182 would have deterred many candidates who are passionate about their local public schools from getting involved in politics and would have led to outside federal and state influence, rendering school boards beholden to political leaders. In committee, there was not a single individual or group in attendance to speak in support of this idea.

ISTA Position: Oppose

ENACTED EDUCATION BILLS

SB 11 – Display of Historical Documents

(Sen. Dennis Kruse, R – Auburn)

The bill allows properties owned by the state to display certain documents of historical or religious significance, such as the Declaration of Independence, Magna Carta, and various additional documents. Any documents displayed must be donated or purchased using funds made available by voluntary contributions.

ISTA Position: Neutral

SB 82 – FAFSA Requirement

(Sen. Jean Leising, R – Corydon)

This bill requires public schools to provide a notice to students about the Free Application for Federal Student Aid (FAFSA). The Commission for Higher Education is required to inform schools of which students completed the FAFSA.

ISTA position: Neutral



SB 83 – School Board Meetings Public Comment

(Sen. Jean Leising, R – Corydon)

This bill was enacted after HB 1130 (above) was enacted and works in conjunction with HB 1130. It, too, requires most meetings of the school board to provide for public comment. Public testimony must be provided on agenda items before any board action is taken. The bill also clarifies that these provisions apply to charter schools, including virtual charter schools. The bill has no time limits specified per individual nor does it include a specific time period but left those matters to local policy. It also provides circumstances for emergency virtual meetings.

ISTA position: Support

SB 91 – Accreditation of Teacher Preparation Programs

(Sen. Linda Rogers, R – Elkhart)

This bill requires the IDOE to approve a second accrediting body for teacher preparation program accreditation (current law only calls for a single accrediting body). The bill would add the Association for Advancing Quality in Educator Preparation (AAQEP) as an accrediting body as recognized by the Commission for Higher Education.

ISTA position: Neutral

SB 115 – School Employee Misconduct

(Sen. Aaron Freeman, R - Indianapolis)

The bill requires that a school employer take into consideration an offense for which an employee received a conviction that was revealed during a criminal background check for any employment decisions, including hiring or termination decisions. It prohibits an employee from being hired or continuing a contract if the offense was one that calls for the revocation of a teacher license.

ISTA position: Neutral



SB 123 – Dyslexia Screening and Intervention

(Sen. Aaron Freeman, R - Indianapolis)

This bill expands to all types of public schools the existing mandates on testing and identifying reading issues with students, including all charter schools and innovation network schools.

ISTA Position: Neutral

SB 290 – Career Counselors Pilot Program

(Sen. Jeff Raatz, R - Richmond)

This omnibus bill creates a career coaching pilot program, requires certain ADM adjustments made by the IDOE to be reviewed by the state budget committee and provides for schools to be held harmless for ILEARN scores this year due to the pandemic.

The chief point of concern in the bill is the creation of the career coaching pilot by IDOE to use third party vendors, school counselors, or both school counselors and third-party vendors together to provide career coaching services.

ISTA Position: Concern over third party vendor language, as there is no specific requirement that the third-party vendors always must work with the school counselors. Sen. Raatz stated publicly on several occasions that no arrangement will be successful without the entities working together. The law calls for at least one contract be a sole third-party vendor situation.

SB 297 – Union Dues Deduction

(Sen. Phil Boots, R - Crawfordsville)

This is essentially a technical bill to avoid compelling speech that was interpreted to have been included in last year's dues deduction law.

ISTA Position: Neutral; mostly technical changes and not a substantive policy shift.



SB 331 – Privatization and Education Saving Accounts

(Sen. Brian Buchanan, R – Lebanon)

The bill authorizes the state treasurer to deduct up to 10% of funds in the first year and 5% thereafter to cover costs to administer the Indiana education scholarship account (ESA) program. Last year’s law assumed 3% for administrative costs. The program has not even commenced, and legislators have already conceded it is going to cost more than advertised just a few months ago. Differing versions of the bill existed through the session: one in which the ESA program itself was being expanded (even before it begins) and the other that focused on increasing the state treasurer’s administrative cost limits. The version that passed only dealt with the administrative elements of the program and not its substance.

It also requires the IDOE to study inclusion of teacher benefits total salary amounts and to include teachers in special education and technical education cooperatives within the 45% education fund expenditure goal created last year. Any future inclusion of health insurance benefits would require a commensurate increase in the 45% expenditure goal.

ISTA Position: Oppose

SB 356 – Alternative Certification, Expansion of Supplemental Pay

(Sen. Linda Rogers, R – Elkhart)

This bill amends the state’s tenth alternative certification program created just last year to:

- (1) Eliminate the minimum 26-year age requirement for any applicant (other than for special education);
- (2) Enable individuals to become certified special education teachers under this online program if they:
 - a. are 26 years old; and
 - b. are employed in a school setting or with another community organization (for profit or nonprofit), to provide care or instruction for a student with disabilities; and
- (3) switch the requirement that the candidate undergo clinical experience before certification to practical experience.

The bill also allows administrators to pay select teachers more than other teachers in a school for the same work through supplemental pay. Current law enables this in a select set of circumstances, not in every case.



Under the original version of this bill, the author removed even discussion of these supplements with the union, enabling these bonuses to be handed out behind closed doors. Discussion (not bargaining) of supplements with the local association was restored in the bill, but the bill remains a blatant attempt to bust unions in that it empowers administrators to play favorites and dole out bonuses without bona fide rationale.

ISTA Position: Oppose

SB 366 – Higher Education Funding

(Sen. Eric Bassler, R – Washington)

The bill requires the Commission for Higher Education (CHE) to create an outcomes-based formula for operating funding and capital projects prior to each budget session of the General Assembly. It also requires CHE to develop a long-term plan for higher education and evaluate how each institution is meeting the goals outlined in that plan on a biennial basis. A biennial audit by a third party is also required.

ISTA Position: Neutral

HB 1002 – Tax Cuts and Tax Restructuring

(Rep. Tim Brown, R – Crawfordsville)

The bill began in the House as an extremely large (over \$1 billion) tax revenue give-away package that ignored the precarious circumstances the world is currently experiencing. It would have repealed a law just enacted last year that called for any surplus over \$2.5 billion to go to the pre-1996 Teachers Retirement Fund (TRF) unfunded liability. In real dollars, that meant lawmakers would not be living up to that bargain with the TRF unfunded liability at approximately \$2.6 billion (the projected surplus was identified as being \$5.1 billion). Instead, the House wanted to reduce taxes on business personal property (with no replacement to lost revenue to local government, including school districts) and to institute a series of other tax reductions, including to Indiana's individual income tax from 3.2 percent to 3 percent by 2026.

The Senate took a more cautious approach and maintained the fidelity to the promise of buying down the TRF pre-1996 obligation and removed the various tax reductions.



Ultimately, the compromise version essentially maintains the pre-1996 TRF fund obligation lump sum pay-down, thereby, quickening an end to this generations-long and ongoing obligation by funding the unfunded liability. This will concurrently free up new program dollars going forward and provides for an income tax reduction phased in over seven years and only applicable if certain benchmark triggers that recognize a healthy economy exist (such as Indiana's general fund revenue collections for a state fiscal year exceed by at least 2% the state general fund revenue from the prior year) and only if by 2026 the balance in the pension stabilization fund is sufficient to pay the outstanding liabilities of the pre-1996 TRF account without an additional appropriation of the General Assembly.

ISTA Position: Initially, ISTA opposed HB 1002 as it sought to erase the business personal property tax obligation without replacing the revenue lost to local government (including schools) and it sought to renege on the promise to capitalize on the state's large state surplus by putting significant surplus dollars towards the pre-1996 TRF fund unfunded obligations. In the end, the bill did neither of these objectionable things.

HB 1041 – Transgender Student Athletic Participation

(Rep. Michelle Davis, R – Greenwood)

The bill prohibits transgender girls from participating on girls' athletic teams in schools (does not prevent the opposite). This issue is best addressed by local schools and the IHSAA.

ISTA Position: Oppose

HB 1045 – 529 College Savings Plans

(Rep. Dave Heine, R – New Haven)

The bill increases the amount of annual tax credit a taxpayer is entitled to receive through contributions made to a 529 college savings plan. Taxpayers may use 529 plans to pay for higher education tuition and K-12 educational expenses such as vouchers.

ISTA Position: Neutral



HB 1093 – Omnibus Education

(Rep. Behning, R – Indianapolis)

This is an omnibus bill that includes several different provisions:

- Makes changes to the composition of the Early Learning Advisory Committee.
- Requires a school resource officer (SRO) to undergo certain training requirements for resolving issues impacting students.
- Prohibits participating entities, including a school employee organization, from offering students financial incentives to enroll or retain students.
- Requires the Indiana Charter School Board to appoint an executive director and restructures the agency.
- Allows the IDOE to provide an accomplished practitioner’s license under certain criteria for purposes of reciprocity.
- Provides a “Null” grade for the 2021 – 2022 school year for purposes of accountability due to COVID-19.
- For schools that fail to meet the 180-day requirement, the tuition disbursement penalty is limited only to a particular school rather than the entire district.
- Adds language that restricts e-learning to three days per school year with IDOE waivers still applicable.

ISTA Position: Neutral on all of the various provisions, except the restriction on e-learning days.

HB 1094 – Workers Compensation Insurance for Students

(Rep. Jake Teshka, R – South Bend)

This bill requires the IDOE to contract with a vendor to provide employer liability and workers compensation insurance for certain students enrolled in work-based learning programs.

Language on transformation zones was also inserted last-minute, which states that a school board is not bound by its collective bargaining agreement for employees of a transformation zone, and that employees of a transformation zone may organize and create a separate bargaining unit to collectively bargain with the entity that operates the transformation zone.



The bill also states that if the Indiana State Board of Education (SBOE) grants the designation of a transformation zone within the school district, the school board may enter into an agreement with a nonprofit organization to manage and operate all of the schools within the transformation zone, giving the nonprofit organization managerial and operational autonomy over the schools in the zone. It provides a process through which any violations of an agreement between the school board and the nonprofit organization are resolved.

ISTA Position: Neutral on the workers compensation provisions and supports the right to organize, but the Association opposes fracturing existing bargaining units.

HB 1190 – Campus Academic Freedom

(Rep. Jack Jordan, R – Bremen)

This bill contains several provisions concerning academic freedom on college campuses:

- Prohibits a state educational institution from establishing an outdoor area on campus where protected expression is forbidden.
- Prohibits a state educational institution from denying any benefit, privilege or discriminating against a religious, political, or ideological student organization from expressive activity.
- Allows the institution to establish reasonable time and location restrictions for student group activities.
- Requires an institution to establish protected expressive activity policies and make them publicly available.
- Allows a court to award compensatory damages and other fees for violations made against students.
- Does not provide civil liability immunity to an institution.

ISTA Position: Neutral

HB 1192 – Qualified Providers and School-based Services

(Rep. Mike Karickhoff, R – Kokomo)

The bill makes changes to the definition of “school-based nurse” and “qualified provider” for covered Medicaid services provided at a school.

ISTA Position: Support



HB 1223 – Family Friendly Schools

(Rep. Michael Davisson, R – Salem)

This bill requires the IDOE to establish procedures under the family friendly school program to assess parental involvement if at least 10% of the parents of students within a school request an evaluation of parental involvement levels at the school.

ISTA Position: Support

HB 1251 – Various Education Matters

(Rep. Bob Behning, R – Indianapolis)

This omnibus bill contains several provisions:

- Requires the IDOE to apply to the U.S. Department of Education for assessment flexibility.
- Requires the IDOE to study the issues that may be involved in creating a parent-teacher compact program that would enable tuition support dollars to be diverted to privately arranged learning pods.
- Requires the SBOE, in consultation with higher education and the business community, to identify the skills or traits students need to be successful upon completion of high school.
- Requires the IDOE to do a research study to define essential postsecondary skills to promote enlistment, enrollment, and employment—with a look to reduce the number of high school standards and to align these essential skills with postsecondary success.
- By June 1, 2024, requires the SBOE to adopt new academic standards.
- Allows districts on a local level to hire adjunct permit teachers outside of the bargaining unit. The salary is locally determined, and the permit is not transferable outside of the district.
- Would expand the allowance of special purpose vehicles for certain student transportation.
- Creates the Student Enrichment Grant program that targets certain students who are identified as needing additional learning opportunities outside of the school day. Federal Elementary and Secondary School Emergency Relief (ESSER) funds are to be used for this program and the program expires July 1, 2025.



Specifically on the adjunct permit:

Creates an adjunct teacher permit to allow an individual (even one without a college degree and without having taken any PRAXIS or other teacher certification test) to be locally permitted to teach up to full time in any subject matter, except special education, if the following conditions are met:

- (1) The individual has at least four years of “documented occupational experience” in the content area in which the individual intends to teach.
- (2) The individual undergoes a criminal history check.
- (3) The individual has not been convicted of a felony or the individual’s felony has been reversed, vacated, or set aside.

This program is outside of collective bargaining, and it is not an unfair practice for the district to hire under this provision. However, the district must discuss the use of adjunct teacher permits with the union. The adjunct teacher must be assigned a teacher mentor.

There are currently 10 separate avenues authorized in Indiana law for individuals to transition to the teaching profession. Adjunct teacher permits, a now eleventh method to get individuals into classrooms, will not address the core reasons of the state’s teacher shortage.

ISTA fought for additional transparency on the use and issuance of these permits and intends to facilitate local associations to ensure their fair use, if at all, by their districts.

ISTA Position: ISTA opposes the adjunct permit language in this bill.

HB 1296 – Health Insurance Matters/Trusts – Summer Study
(Rep. Martin Carbaugh, R – Fort Wayne)

This bill requires a Multiple Employer Welfare Arrangement (WEMA/Insurance Trust) to provide each employer participating in the arrangement access to claims data that is specific to a particular employer. The bill also makes any violation an unfair practice or unfair competition.

The bill urges Legislative Council to establish a summer study committee on the topic.

ISTA position: Neutral



MISSED OPPORTUNITIES BY LAWMAKERS

IMPROVED WORKING CONDITIONS

From the beginning of the session, ISTA called on legislators to restore the teacher voice in their working conditions. The Association, citing broad voter support, asked the legislature to restore teachers' ability to bargain contracts that include health and safety conditions, class size language and prep period provisions for teachers to prepare lessons and grade work. Teacher workload and burnout had already been an issue before the pandemic but is now worsening the state's teacher shortage.

Several bills were filed this session to address the issue of working conditions, but SB 178, authored by Sen. Jon Ford, R – Terre Haute, was the sole bill seeking to actually improve those conditions. The bill received a hearing in the Senate Education Committee.

On the day of the meeting, it was unclear if the committee chair, Sen. Jeff Raatz, R – Richmond, was going to reverse course and not hear the bill. With the help of Senate Democrats and the pressure of more than a dozen ISTA members present to testify in support of the bill, it was heard. Unfortunately, subsequently, Chairman Raatz made the decision to not move the bill forward. Despite attempts to renew the concept of the bill by amending it into another bill on the floor of the Senate, Republican legislative leaders refused to make this issue a priority. Teacher advocates will continue this work in the 2023 legislative session.

