



**Dear ISBA Members:**

This was a very busy week at the State House after the canceled schedule of the legislature the week prior. Here is the **Week #4 ISBA Legislative Update** with all you need to know regarding key K-12 education matters.

*ISBA wishes to thank the following school board members for coming to the State House on Wednesday to lend excellent testimony on SB 54 (FAFSA requirements), SB 124 (school year start date), and/or SB 333 (school board per diem) before the Senate Education & Career Development Committee: **Dr. Robert Stwalley**, President, Lafayette School Corporation/ISBA President; **Becky Gardenour**, New Albany-Floyd County Consolidated School Corporation/ISBA 2<sup>nd</sup> Vice President; and, **Doug Ozolins**, Vice President, Hamilton Heights School Corporation.*

#### **ISBA Bill Tracking List**

**There are presently 178 bills on the ISBA Bill Tracking List [HERE](#).** This bill list will continue to be updated daily with new information. Now that bills are moving out of committee to the floor of the House or Senate, you can keep track of progress of bills of interest to you.

#### **State House Day**

***New: Any school board member is welcome to attend the 3<sup>rd</sup> Annual ISBA Virtual State House Day. Superintendents are welcome to attend to with their board representatives.*** There is additional attendance capacity available because this is a webinar. This will be at no charge to attendees. Please register (no later than February 5) in Zoom by clicking this link:

[https://us02web.zoom.us/webinar/register/WN\\_qSpulxpgS16DNvRR79X73g](https://us02web.zoom.us/webinar/register/WN_qSpulxpgS16DNvRR79X73g) Please contact Brooke

Orner at: [borner@isba-ind.org](mailto:borner@isba-ind.org) if you need any assistance with registration. See the ISBA Weekly Event Update (sent Wednesday by Brooke Orner) for further details.

### **Key K-12 Education Bill Activity**

**SB 233 TANF Eligibility**, Author: Senator Jon Ford. This legislation expands TANF eligibility from the current level of approximately 17% of the Federal Poverty Level (FPL) to 35% in 2024, and 50% in 2025. According to the fiscal note, the number of households eligible for TANF could triple as a result of the changes. The K-12 tuition support formula, which uses TANF enrollment as a criterion for complexity funding, will have increased costs if more people qualify for TANF. The Senate Family and Children Services Committee voted 6-2 in support of the bill on Monday and this bill will be eligible for a third Reading vote on Monday.

**SB 69 School Bus Stop Arm Violation Enforcement**, Author: Senator Niemeyer. Sen. Rick Niemeyer spoke on behalf of a rural school district that raised concerns that law enforcement and prosecutors are reluctant to go after individuals who commit school bus stop arm violations because it is difficult to prove who was driving the vehicle. His bill allows the “trier of fact” to infer that the registered owner of the vehicle was driving the vehicle at the time the school bus stop arm violation occurred. The bill also allows a school superintendent to submit a request to the local court system to appoint a special prosecutor if the county prosecutor routinely fails to enforce the school bus stop arm law. SB 69 passed out of committee with amendments by a 5-3 vote.

### **COVID-19 Governance Response-Related Bills – ALL SUPPORTED BY ISBA**

**HB 1002** (and SB 1) **Civil Immunity Related to COVID-19**, Author: Representative Torr. The bill was amended in the House Judiciary Committee to further clarify definitions and the immunity provisions. The amended bill passed out of the committee by a vote of 9-3 and is now eligible for second reading by the full House. Senate Bill 1, the Senate’s version of this measure, but with differences in language, passed out of the Senate on Thursday by a 40-8 vote and will move to the House for further consideration.

**SB 5 Appeal of Local Health Enforcement Actions**, Author: Senator Garten. This bill permits recipients of “enforcement actions” issued by local health departments or local health officers to appeal those actions to the county legislative body. Enforcement actions are defined as an order, mandate, citation, administrative notice, business closure, or other action. ISBA testified in support of the bill. The bill passed out of the Senate Public Policy Committee on Wednesday by a vote of 9-1 and is eligible for second reading by the Senate.

**SB 2** (and HB 1003) **Funding for Virtual Instruction in Public Schools**, Author: Senator Jeff Raatz. Funding for virtual instruction in public schools. This bill establishes a definition of "virtual instruction" for purposes of determining a school corporation's basic tuition support using the 2021 spring count of average daily membership (ADM). The Senate Appropriations Committee acted on this bill on Thursday with adoption of an amendment and then it passed by a 9-2 vote. Of note with this vote, Senator Mishler (Bremen), the committee chairman, was one of the two votes against the bill. ISBA testified in support of this bill and we thank Senator Raatz for carrying the bill. The amendment adopted by the committee will require, not later than August 1, 2021, and not later than August 1, 2022, each governing body of a school corporation and the equivalent for each charter school to submit to the Department of

Education a report that includes certain information regarding instruction during the 2020-2021 school year and the 2021-2022 school year. Requires the department to do the following: (1) Conduct, in collaboration with the State Board of Education (SBOE), a learning loss study regarding students in kindergarten through grade 10; (2) Prepare a report regarding the 2020-2021 school year and a report regarding the 2021-2022 school year that includes the submitted information and the study by the department; and, (3) Not later than December 1, 2021, and not later than December 1, 2022, submit the applicable reports to the governor, SBOE, and legislative council. House Bill 1003, the House version of this measure, passed on Monday on third reading in the House of Representatives by a 93-2 vote and it now moves to the Senate for further consideration.

[HB 1008 Student Learning Recovery Grant Program](#), Author: Rep. Martin Carbaugh. This bill establishes the: (1) student learning recovery grant program; and (2) student learning recovery grant program fund (fund) to address learning loss prompted by the COVID-19 pandemic. The bill specifies that, to be eligible to receive a grant, an eligible entity must develop and submit a student learning acceleration plan. Establishes requirements for a plan. Appropriates to the fund from the state general fund for the purposes of the program \$150,000,000 for the 2021 state fiscal year. **Note: ISBA is seeking an amendment to the eligibility requirements in this bill** to ensure the grant dollars follow each student to the local education agency (LEA) so that school corporations can optimize use of these funds for intervention and remediation strategies directed by each classroom teacher, who know the learning needs of students best. The bill presently allows education service providers (for-profit), non-profit organizations, and colleges and universities to apply for the grant funds. Please call your area state representative to ask them to support this change.

### **Action Alerts**

#### **Action Alert #1: PLEASE EMAIL OR CALL YOUR STATE SENATOR NOW TO OPPOSE SB 124**

[Senate Bill 124, First Day of School](#), Author: Senator Dennis Kruse. Testimony was heard on this bill on Wednesday, but the chairman held it for amendments and a vote until next week. This bill prohibits public schools from beginning the school year prior to Labor Day beginning in the 2022-23 school year, with a few exceptions. **ISBA opposes this legislation** because it relinquishes local control and removes governing responsibility from the locally-elected school board to make calendar decisions that are based on the expert recommendations of the superintendent and staff, and their understanding of the interests and needs of students, families, and the broader community they represent. This change would be quite disruptive to the ability to conclude the first semester at the winter break, thus preventing early graduations and enrollments in higher education or military service. Conversely, it will lengthen the school year into June creating labor shortage issues for those same industries advocating for this change and posing conflicts child labor laws. Scheduling semester final exams after the winter break presents challenges as well and is not as practical. There are numerous reasons to oppose this legislation!

***If you haven't already, please call your area senator this weekend or prior to Wednesday to ask that they OPPOSE SB 124! In addition, please call or email any of the following Republican members of the Senate Education and Career Development Committee:***

- Senator Jeff Raatz, Chairman: [Senator.Raatz@iga.in.gov](mailto:Senator.Raatz@iga.in.gov); 317-233-0930
- Senator John Crane, Vice Chairman: [s24@iga.in.gov](mailto:s24@iga.in.gov); 317-232-9984

- Senator Scott Baldwin: [Senator.Baldwin@igai.in.gov](mailto:Senator.Baldwin@igai.in.gov); 317-232-9533
- Senator Brian Buchanan: [Senator.Buchanan@iga.in.gov](mailto:Senator.Buchanan@iga.in.gov); 317-234-9426
- Senator Stacey Donato: [senator.donato@iga.in.gov](mailto:senator.donato@iga.in.gov); 317-232-9493
- Senator Dennis Kruse: [Senator.Kruse@iga.in.gov](mailto:Senator.Kruse@iga.in.gov); 317-233-0930
- Senator Jean Leising: [Senator.Leising@iga.in.gov](mailto:Senator.Leising@iga.in.gov); 317-232-9493
- Senator Linda Rogers: [Senator.Rogers@iga.in.gov](mailto:Senator.Rogers@iga.in.gov); 317-234-9443
- Senator Kyle Walker: [Senator.Kyle.Walker@iga.in.gov](mailto:Senator.Kyle.Walker@iga.in.gov); 317-232-9541

**Action Alert #2: PLEASE EMAIL OR CALL YOUR STATE REPRESENTATIVE NOW TO OPPOSE HB 1005**

**HB 1005 School Choice Matters**, Author: Representative Bob Behning. This bill proposes to establish an Education Savings Account program for students with disabilities, foster children, or students of military personnel to use on school tuition and related educational expenses. In addition, the bill expands the Indiana Choice Scholarship voucher program by increasing income eligibility guidelines (so that a family of five with income of up to \$174,000 would qualify in the 2022-23 school year) and eliminates the 70% and 50% tuition support payment limit thresholds. Note: ISBA will be launching on Tuesday an advocacy toolkit against HB 1005 with many resources that you will be able to access and use. In the meantime, please call your area state representative to ask for their opposition to this bill.

To find your area senator and their contact information, go to: <https://www.isba-ind.org/legislator-contact-information.html>

Sincerely,

*Terry Spradlin*

**Terry Spradlin**

**Executive Director**

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