



**Dear ISBA Members:**

Here is the **Week #7 ISBA Legislative Update** with an update of the status of the session and spotlight on nine (9) key K-12 bills that were on the docket this week.

### **ISBA Bill Tracking List**

**There are presently 179 bills on the ISBA Bill Tracking List [HERE](#).** Many of these bills will die in the bill process with the pending deadlines occurring over the next two session days. The second reading deadline was yesterday in the House and on Monday in the Senate. Finally, the third reading deadline for bills in the house of origin is Monday in the House and Tuesday in the Senate. Bills passing out of the first chamber cross over to the second chamber for further consideration, those that don't are dead for the session.

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

**[SB 1](#) Civil immunity related to COVID-19**, Authors: Senators Messmer, Koch, Brown. Provides civil tort immunity for damages arising from COVID-19 on the premises owned or operated by a person, on any premises on which the person or an employee or agent of the person provided property or services to the individual, or during an activity managed, organized, or sponsored by the person, except for

an act or omission that constitutes gross negligence or willful or wanton misconduct (including fraud and intentionally tortious acts). Defines "COVID-19 protective product" and provides civil tort immunity for harm that results from the design, manufacture, labeling, sale, distribution, or donation of a COVID-19 protective product, except for an act or omission that constitutes gross negligence or willful or wanton misconduct (including fraud and intentionally tortious acts). Prohibits class action suits. **NOTE: This is the first bill on the ISBA Tracking List to become law as it was signed by Governor Holcomb on Thursday. ISBA supported this bill throughout the process and provided input on bill language.**

[Senate Bill 251](#) **Deduction of Dues to Exclusive Representative**, Author: Senator Boots. Provides that a school employee has the right to resign from, and end any financial obligation to, a school employee organization at any time. Provides that a school employee must annually authorize a pay deduction to a school employee organization. This bill was spotlighted in the Week #6 ISBA Legislative Update and was voted on a third by the Senate this week, twice. The first third reading vote was on Tuesday and the bill did not pass due to the failure of a constitutional majority, 24-22. It was brought back on Thursday for the second third reading vote and this time it passed by a 27-22 vote, with some Republicans switching their votes from "no" to "yes."

[Senate Bill 288](#) **Material Harmful to Minors**, Author: Senator Tomes. The introduced version of this bill would have authorized a parent of a minor student to file a civil action against a school for dissemination of materials harmful to minors, as defined in the criminal code. The bill also removed the statutory defense of "educational purpose" in cases where a school employee is being prosecuted for the crime. This week the bill was amended to remove the language authorizing a parent to sue a school. The amended bill passed out of the Senate Education and Career Development Committee on Wednesday by a vote of 7-6 and will be presented to the full Senate for a second reading next week. ISBA testified in opposition of the introduced bill and has concerns about the amended bill. Please contact the following members of the Committee who voted against the amended bill and thank them for their vote: Senators Melton, J.D. Ford, Yoder, Qaddoura,

Donato, and Leising.

**[Senate Bill 342](#) State Tax Credit for Public School Foundation Contributions,**

Author: Senator Buchanan. This bill passed out of the Senate Tax and Fiscal Policy Committee by a unanimous vote on Tuesday. The bill will allow a taxpayer who donates to a public school foundation to receive a tax credit equal to 25% of the total contributions up to \$1,000 for a single taxpayer or \$2,000 for married taxpayers. ISBA testified in support of the bill. The bill was order engrossed and is now eligible for third reading.

**[Senate Bill 358](#) School Buildings,** Author: Senator Rogers. This bill amends the current law that requires schools to make vacant school buildings available to charter schools for lease or purchase for \$1. The language in this bill will require schools to also make available to charter schools “underutilized” school buildings. The definition of an underutilized building is generally a school building that is used at less than 50% of its capacity. Starting in the 2021-2022 school year, school corporations will have to report to the Department of Education the current use and current capacity of each of its buildings. ISBA testified against the bill, but it passed out of the Senate Education and Career Development Committee by a vote of 9-4. The roll call vote can be accessed [HERE](#). This bill is eligible for second reading.

**[SB 412](#) Indiana Education Scholarship Account (ESA) Program,** Author: Senator Buchanan. This bill establishes the Indiana education scholarship account program. Provides that, after June 30, 2022, a parent of an eligible student or an emancipated eligible student may establish an account in the program to pay for private school tuition or ancillary qualified expenses. This bill was considered by the Senate Appropriations Committee on Thursday. ISBA testified in opposition to this bill as it diverts substantial state funding away from K-12 public education to serve a very small percentage of children with no guarantee or accountability that they will receive an alternate education through a highly-qualified licensed teacher. ISBA thanks Senator Ryan Mishler for holding the bill without a vote, thus killing this bill for the session. However, note that the concepts of this bill are still alive in HB 1005 and the state budget bill, HB 1001. The debate will endure for the entirety of the session through April.

[SB 413](#) **Education Matters**, Author: Senator Raatz. This bill provides that a foster child may qualify to receive a Choice Scholarship voucher. Requires the State Board of Education to assign to a school or school corporation (including adult high schools) a "null" or "no letter grade" for it's A-F school accountability grade the 2020-2021 school year. Establishes a panel to: (1) study charter school funding; and (2) make recommendations of its findings regarding charter school funding. Requires the panel to submit a report regarding the panel's recommendations not later than November 1, 2022, to the governor and legislative council. This bill passed out of the Senate Appropriations Committee on Thursday by a 7-4 party-line vote. ISBA testified in opposition of the bill due to the provisions expanding the Choice Scholarship voucher program. However, ISBA wishes to thank Senator Ryan Mishler, Chairman of the Appropriations Committee for offering amendment #3 that greatly reduces the scale or scope of the expansion to the Choice Scholarship voucher program.

[HB 1367](#) **School Corporation Disannexation**, Author: Rep. Teshka. Establishes a process to enable the John Glenn School Corporation to disannex certain territory from the South Bend School Corporation and annex the territory within the school corporation's boundaries. This bill passed on third reading in the House on Thursday by a narrow margin of 52-43. The debate on this bill became heated on claims of racism and led to disruption of the proceedings of the House as described [HERE](#).

[House Bill 1437](#) **Electronic Communication at Public Meetings**, Author: Rep. Cook. This bill authorizes school board members to participate in meetings remotely and to be counted as present and be able to vote as long as the board member can be seen and heard. There are some issues that a board member may not vote on if participating in the meeting remotely, such as adopting a budget, initiating a referendum, and making personnel decisions. The bill also requires the board to allow the public to simultaneously attend a meeting via electronic communication. ISBA supports this bill and a similar Senate bill, [SB 369](#), authored by Senator Rogers. HB 1437 passed in the House on third reading on Thursday by an 86-7 vote. SB 369 passed in the Senate on Monday by a 46-0 vote.

ISBA will issue a mid-session report next week with details of the legislation still active in the bill process. We will also spotlight key aspects of the state budget as passed by the House of Representatives. Finally, we will provide you with the next call-to-action alert against the school choice expansion bills.

Thank you!

Sincerely,



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