

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. 1637

AN ACT to amend the Indiana Code concerning education.

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

SECTION 1. IC 20-23-17.2-3, AS ADDED BY P.L.179-2011, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) The governing body of the school corporation consists of nine (9) members who shall be elected as follows:

(1) One (1) member shall be elected from each of the school districts described in section 4 of this chapter. A member elected under this subdivision must reside within the boundaries of the district the member represents.

(2) Three (3) members, who must reside within the boundaries of the school corporation, shall be elected as at-large members.

(3) All members shall be elected on a nonpartisan basis.

(4) All members shall be elected at the general election held in the county in 2012. ~~and each four (4) years thereafter.~~

(b) Upon assuming office and in conducting the business of the governing body, a member shall represent the interests of the entire school corporation.

(c) This section expires January 1, 2017.

SECTION 2. IC 20-23-17.2-3.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS

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[EFFECTIVE JULY 1, 2015]: **Sec. 3.1. (a) After December 31, 2016, the governing body of the school corporation consists of five (5) members, elected as provided in this chapter.**

(b) Three (3) members shall be elected as follows:

(1) From districts established as provided in section 4.1 of this chapter.

(2) On a nonpartisan basis.

(3) At the general election held in the county in 2016 and every four (4) years thereafter.

(c) Two (2) members shall be elected as follows:

(1) At large by all the voters of the school corporation.

(2) On a nonpartisan basis.

(3) At the general election held in the county in 2016 and every four (4) years thereafter.

(d) The term of office of a member of the governing body:

(1) is four (4) years; and

(2) begins January 1 after the election of members of the governing body.

(e) Upon assuming office and in conducting the business of the governing body, a member shall represent the interests of the entire school corporation.

SECTION 3. IC 20-23-17.2-3.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 3.2. (a) Notwithstanding section 10 of this chapter, as in effect before July 1, 2015, and as amended after June 30, 2015, if:**

(1) a vacancy occurs in the office of a member of the governing body after June 30, 2015; and

(2) the vacancy does not reduce the membership of the governing body to fewer than five (5) members;

the vacancy shall not be filled.

(b) This section expires January 1, 2017.

SECTION 4. IC 20-23-17.2-4, AS ADDED BY P.L.179-2011, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 4. (a) The boundaries of the districts from which members of the governing body of the school corporation are elected under section 3(a)(1) of this chapter are the same as the boundaries of the common council districts of the city that are drawn under IC 36-4-6.**

(b) This section expires January 1, 2017.

SECTION 5. IC 20-23-17.2-4.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS



[EFFECTIVE JULY 1, 2015]: **Sec. 4.1. (a) As used in this section, "council district" refers to a district of the city legislative body:**

- (1) established under IC 36-4-6-3; and**
- (2) as in effect on January 1, 2015.**

(b) The districts from which a member of the governing body is elected under section 3.1(b) of this chapter are as follows:

- (1) School corporation district 1 consists of the territory formed by council district 1 and council district 2.**
- (2) School corporation district 2 consists of the territory formed by council district 3 and council district 4.**
- (3) School corporation district 3 consists of the territory formed by council district 5 and council district 6.**

SECTION 6. IC 20-23-17.2-5, AS AMENDED BY P.L.219-2013, SECTION 88, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 5. (a) The following apply to an election of members of the governing body of the school corporation under section ~~3(a)~~ 3.1(b) of this chapter:**

(1) Each candidate must file a petition of nomination with the circuit court clerk not earlier than one hundred four (104) days and not later than seventy-four (74) days before the general election at which members are to be elected. The petition of nomination must include the following information:

- (A) The name of the candidate.**
- (B) The candidate's residence address and the district in which the candidate resides.**
- (C) The signatures of at least twenty (20) registered voters residing within the school corporation district the candidate seeks to represent.**
- (D) A certification that the candidate meets the qualifications for candidacy imposed by this chapter.**

(E) The school corporation district that the candidate seeks to represent.

(2) Only eligible voters residing in the school corporation district as provided in section 4.1 of this chapter may vote for a candidate to represent that school corporation district.

(3) One (1) candidate shall be elected for each school corporation district provided by section 4.1 of this chapter. The candidate elected for a school corporation district must reside within the boundaries of the school corporation district. The candidate elected as the member for a particular school corporation district is the candidate who, among all the candidates who reside within that school corporation district,



receives the greatest number of votes from voters residing in that **school corporation** district.

(b) The following apply to an election of the members of the governing body of the school corporation under section ~~3(a)(2)~~ **3.1(c)** of this chapter:

(1) Each candidate must file a petition of nomination with the circuit court clerk not earlier than one hundred four (104) days and not later than seventy-four (74) days before the general election at which members are to be elected. The petition of nomination must include the following information:

(A) The name of the candidate.

(B) The candidate's residence address.

(C) The signatures of at least one hundred (100) registered voters residing within the school corporation.

(D) A certification that the candidate meets the qualifications for candidacy imposed by this chapter.

(E) The fact that the candidate seeks to be elected from the school corporation at large.

(2) Only eligible voters residing in the school corporation may vote for a candidate.

(3) ~~Three (3)~~ **Two (2)** candidates shall be elected at large. The ~~three (3)~~ **two (2)** candidates who receive the greatest number of votes among all candidates running for an at-large seat are elected as members of the governing body.

SECTION 7. IC 20-23-17.2-6, AS ADDED BY P.L.179-2011, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. Voters who reside within the boundaries of the school corporation may vote for the candidates elected under section ~~3~~ **3.1** of this chapter. Each voter may vote only for **the following**:

(1) One (1) candidate to represent the district in which the voter resides. ~~and~~

(2) ~~three (3)~~ **Two (2)** at-large candidates.

SECTION 8. IC 20-23-17.2-8 IS REPEALED [EFFECTIVE JULY 1, 2015]. Sec. 8: (a) The term of each person elected to serve on the governing body of the school corporation is four (4) years.

(b) The term of each person elected to serve on the governing body begins on the date set in the school corporation's organization plan. The date set in the organization plan for an elected member of the governing body to take office may not be more than fourteen (14) months after the date of the member's election. If the school corporation's organization plan does not set a date for an elected member of the governing body to take office, the member takes office



January 1 immediately following the person's election.

SECTION 9. IC 20-23-17.2-9, AS ADDED BY P.L.179-2011, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 9. The members of the governing body of the school corporation shall be elected at the general election to be held in ~~2012~~ 2016 and every four (4) years thereafter.

SECTION 10. IC 20-30-5-20, AS ADDED BY P.L.139-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 20. (a) As used in this section, "psychomotor skills" means skills using hands on practice to support cognitive learning.

(b) Except as provided in subsection (e), each school corporation and accredited nonpublic school shall include in the school corporation's or accredited nonpublic school's high school health education curriculum instruction in cardiopulmonary resuscitation and use of an automated external defibrillator for its students. The instruction must incorporate the psychomotor skills necessary to perform cardiopulmonary resuscitation and use an automated external defibrillator and must include either of the following:

- (1) An instructional program developed by the American Heart Association or the American Red Cross.
- (2) An instructional program that is nationally recognized and is based on the most current national evidence based emergency cardiovascular care guidelines for cardiopulmonary resuscitation and the use of an automated external defibrillator.

(c) A school corporation or an accredited nonpublic school may offer the instruction required in subsection (b) or may arrange for the instruction to be provided by available community based providers. The instruction is not required to be provided by a teacher. If instruction is provided by a teacher, the teacher is not required to be a certified trainer of cardiopulmonary resuscitation.

(d) This section shall not be construed to require a student to become certified in cardiopulmonary resuscitation and the use of an automated external defibrillator. However, if a school corporation or accredited nonpublic school chooses to offer a course that results in certification being earned, the course must be taught by an instructor authorized to provide the instruction by the American Heart Association, the American Red Cross, or a similar nationally recognized association.

(e) A school administrator may waive the requirement that a student receive instruction under subsection (b) if the student has a disability or is physically unable to perform the psychomotor skill component of



the instruction required under subsection (b).

(f) If a school is unable to comply with the psychomotor skill component of the instruction required under subsection (b), the governing body may submit a request to the state superintendent to waive the psychomotor skill component. The state superintendent shall take action on the waiver request within thirty (30) days of receiving the request for a waiver. A waiver request must:

- (1) be in writing;
- (2) include the reason or reasons that necessitated the waiver request;
- (3) indicate the extent to which the school attempted to comply with the requirements under subsection (b); and
- (4) be submitted each year for the school year the school requests the waiver.

This subsection expires July 1, 2015.

SECTION 11. IC 20-31-3-4, AS AMENDED BY P.L.286-2013, SECTION 100, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. The state superintendent shall appoint an academic standards committee composed of subject area teachers, **higher education representatives with subject matter expertise**, and parents during the period when a subject area is undergoing revision.

SECTION 12. IC 20-32-9-1, AS ADDED BY P.L.268-2013, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. ~~Not later than July 1, 2013;~~ The state board, in consultation with the:

- (1) education roundtable established under IC 20-19-4-2;
- (2) commission for higher education established under IC 21-18-2-1;
- (3) department of workforce development established under IC 22-4.1-2-1; and
- (4) department;

shall develop guidelines **and thresholds** to assist secondary schools in identifying a student who is likely to require remedial work at a postsecondary educational institution or workforce training program if the student subsequently attends a **an Indiana** postsecondary educational institution or workforce training program upon graduation.

SECTION 13. IC 20-32-9-2, AS ADDED BY P.L.268-2013, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. The guidelines **and thresholds** established in section 1 of this chapter:

- (1) ~~must include indicators to assist school personnel in~~



determining whether a student may be in need of supplemental instruction or remediation to minimize the student's need for remedial course work at a postsecondary educational institution or workforce training program;

(2) (1) must provide standards and guidelines for secondary school personnel to determine when a student is required to be assessed under section 3 of this chapter, including guidelines that include:

(A) **criteria and thresholds that must be based upon:**

(i) **the student's results or score on a state assessment; and**

(ii) **the student's results or score on a national assessment of college and career readiness, with thresholds determined by the commission for higher education and the department in consultation with the state educational institutions, or the student's qualifying grades, which for purposes of this section are a "B" or higher, in advanced placement, international baccalaureate, or dual credit courses;**

(A) (B) **a description of the school official who may make a determination based on the criteria to assess a student under section 3 of this chapter; and**

(B) (C) **thresholds for determining whether a student who takes an examination under section 3 of this chapter requires additional remediation or additional instruction that are determined based on a common score for placement into an entry level, transferable course in English or mathematics as determined by the commission for higher education in consultation with the state educational institutions; and**

(3) (2) **may provide best practices and strategies for improving services and support provided by a school must provide information on strategies and resources that schools can use to assist a student in achieving the level of academic performance that is appropriate for the student's grade level to:**

(A) **reduce the likelihood that a student will fail a graduation exam and require a graduation waiver under IC 20-32-4-4 or IC 20-32-4-5; or**

(B) **minimize the necessity for postsecondary remedial course work by the student.**

SECTION 14. IC 20-32-9-3, AS ADDED BY P.L.268-2013, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JULY 1, 2015]: Sec. 3. (a) If the appropriate secondary school official determines, using the ~~indicators~~ **criteria and thresholds** established in section 2 of this chapter, that a student ~~before the spring semester, or the equivalent, in grade 11:~~

(1) ~~has failed a graduation exam and may require a graduation waiver under IC 20-32-4-4 or IC 20-32-4-5; or~~

(2) ~~will likely require remedial work at a postsecondary educational institution or workforce training program,~~

the appropriate secondary school official shall require the student to take a college and career readiness exam approved by the state board in consultation with the department, the commission for higher education established under IC 21-18-2-1, the education roundtable established under IC 20-19-4-2, and the department of workforce development under IC 22-4.1-2-1 **at least one (1) time before the student begins the spring semester, or the equivalent, in grade 11.** The cost of the exam shall be paid by the department.

(b) If a student is required to take an exam under subsection (a), the appropriate school official shall make a determination based on the guidelines **and thresholds** established in section 2 of this chapter as to whether the student is in need of additional instruction or remedial action with respect to a particular subject matter covered in the exam. If the appropriate school official determines that a student who takes an exam under subsection (a) is in need of remediation or supplemental instruction to prevent the need for remediation at a postsecondary educational institution or workforce development program, the appropriate school official shall inform the student's parent:

(1) of the likelihood that the student will require remedial course work;

(2) of the potential financial impact on the student or the parent for the additional remedial course work described in subdivision

(1), including that the student may not be eligible to receive state scholarships, grants, or assistance administered by the commission for higher education; and

(3) of the additional time that may be required to earn a degree; while the student attends a postsecondary educational institution or workforce development program. The appropriate secondary school official may establish a remediation or supplemental instruction plan with the student's parent.

(c) Before a student determined to need additional instruction or remedial action under subsection (b) with respect to a particular subject matter may enroll in a dual credit course under IC 21-43 in the same subject matter or a related subject matter, the student may receive



additional instruction or remedial course work and must retake the examination described in subsection (a). If the appropriate school official determines that the student no longer requires additional instruction or remedial action under the guidelines established under section 2 of this chapter after retaking the exam under this section, the student may enroll in a dual credit course under IC 21-43. The cost of the administration of the exam under this subsection **and subsection (d)** shall be paid by the department.

(d) A student who takes an exam under subsection (a) and is identified as being in need of remediation or supplemental instruction shall retake the college and career readiness exam during grade 12 after a remediation or supplemental instruction plan is completed.

(e) Upon implementation of a grade 10 assessment aligned with college and career readiness educational standards adopted by the state board under IC 20-19-2-14.5, the department shall report to the state board and the general assembly in an electronic format under IC 5-14-6 as to the feasibility of using the grade 10 assessment as the initial identifier for determining the remediation needs of students. This subsection expires January 1, 2020.

SECTION 15. IC 20-33-2-13, AS AMENDED BY P.L.43-2014, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 13. (a) A school corporation shall record or include the following information in the official high school transcript for a student in high school:

- (1) Attendance records.
- (2) The student's latest ISTEP program test results under IC 20-32-5.
- (3) Any secondary level and postsecondary level certificates of achievement earned by the student.
- (4) Immunization information from the immunization record the student's school keeps under IC 20-34-4-1.
- (5) Any dual credit courses taken that are included in the core transfer library under IC 21-42-5-4.
- ~~(6) The student's latest PSAT program test results.~~

(b) A school corporation may include information on a student's high school transcript that is in addition to the requirements of subsection (a).

SECTION 16. IC 20-34-7-6, AS ADDED BY P.L.34-2014, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. (a) As used in this section, "football" does not include flag football.



(b) ~~Beginning July 1, 2014,~~ Prior to coaching football to individuals who are less than twenty (20) years of age **and are in grades 1 through 12**, each head football coach and assistant football coach shall complete a certified coaching education course that:

- (1) is sport specific;
- (2) contains player safety content, including content on:
 - (A) concussion awareness;
 - (B) equipment fitting;
 - (C) heat emergency preparedness; and
 - (D) proper technique;
- (3) requires a coach to complete a test demonstrating comprehension of the content of the course; and
- (4) awards a certificate of completion to a coach who successfully completes the course.

(c) For a coach's completion of a course to satisfy the requirement imposed by subsection (b), the course must have been approved by the department.

(d) A coach shall complete a course not less than once during a two (2) year period. However, if the coach receives notice from the organizing entity that new information has been added to the course before the end of the two (2) year period, the coach must:

- (1) complete instruction; and
- (2) successfully complete a test;

concerning the new information to satisfy the requirement imposed by subsection (b).

(e) An organizing entity shall maintain a file of certificates of completion awarded under subsection (b)(4) to any of the organizing entity's head coaches and assistant coaches.

(f) A coach who complies with this section and provides coaching services in good faith is not personally liable for damages in a civil action as a result of a concussion or head injury incurred by an athlete participating in an athletic activity in which the coach provided coaching services, except for an act or omission by the coach that constitutes gross negligence or willful or wanton misconduct.

SECTION 17. 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: _____

