

# PROPOSED AMENDMENT

## HB 1134 # 4

### DIGEST

Education matters. Makes changes to the definition of "curricular material". Makes changes to the composition of the curricular materials advisory committee. Provides that public records that are available on a qualified school's Internet web site shall be excepted from public record requests for individuals who: (1) have access to an operable curriculum portal; or (2) are provided access to an operable curriculum portal in lieu of allowing the person to inspect and copy the public record. Provides that a state agency, school corporation, qualified school or employee thereof is prohibited from promoting certain concepts. Makes changes to the prohibited tenets. Provides that before a qualified school or employee of the qualified school may provide or administer certain mental, social-emotional, or psychological services to a student, the school must provide the parent of the student or the student, if the student is an adult or an emancipated minor, with a written request for consent to provide or administer the services. Makes changes to a provision describing emergency situations in which a written request is not required. Provides that the requirements do not apply to transitional services that are part of a student's individualized education program. Provides that certain complaints must be filed within 10 business days of the date the school employee, parent, or emancipated student became aware, or by the exercise of reasonable diligence should have been aware, of the occurrence giving rise to the complaint. Provides that the department may revoke or suspend a teaching license if the teacher willfully or wantonly violates certain provisions. Adds certain provisions to the list of provisions that apply to the Muncie Community School Corporation. Provides that a qualified school at which parents of enrolled students, or certain individuals designated by the parent, or emancipated students have access to an electronic or virtual school platform that provides access to all curriculum and educational activities for the applicable student satisfies the requirements for posting curricular material online or otherwise making the material available for inspection. Makes changes to the requirements for good citizenship instruction. Makes changes to the timelines used for filing complaints. Makes technical corrections.

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- 1           Page 9, delete lines 32 through 34, begin a new line block indented
- 2           and insert:
- 3           **"(29) Records that are available for inspection to an**
- 4           **individual who:**
- 5                 **(A) has access to an operable curriculum portal that meets**
- 6                 **the requirements described in IC 20-30-17-4; or**
- 7                 **(B) is provided access to an operable curriculum portal**
- 8                 **that meets the requirements described in IC 20-30-17-4, in**
- 9                 **lieu of allowing the person to inspect and copy the public**
- 10                **record under section 3 of this chapter."**
- 11          Page 10, between lines 41 and 42, begin a new paragraph and insert:

"SECTION 3. IC 20-23-18-3, AS AMENDED BY P.L.147-2020, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 3. (a) Except as provided in subsection (c), the Muncie Community School Corporation is subject to all applicable federal and state laws.

(b) If a provision of this chapter conflicts with any other law, including IC 20-23-4, the provision in this chapter controls.

(c) Notwithstanding subsection (a), to provide all administrative and academic flexibility to implement innovative strategies, the Muncie Community School Corporation is subject only to the following IC 20 and IC 22 provisions:

~~(1)~~ **(1) IC 20-26-5-10 (criminal history).**

**(2) IC 20-26-12.5 (curricular materials advisory committee).**

**(3) IC 20-26-21 (personal analysis, evaluations, or surveys by third party vendors).**

~~(4)~~ **(4) IC 20-28-5-8 (conviction of certain felonies; notice and hearing; permanent revocation of license; data base of school employees who have been reported).**

~~(5)~~ **(5) IC 20-28-10-17 (school counselor immunity).**

**(6) IC 20-28-10-20 (prohibited tenets).**

~~(7)~~ **(7) IC 20-29 (collective bargaining) to the extent required by subsection (e).**

~~(8)~~ **(8) IC 20-30-3-2 and IC 20-30-3-4 (patriotic commemorative observances).**

~~(9)~~ **(9) The following:**

(A) IC 20-30-5-0.5 (display of the United States flag; Pledge of Allegiance).

(B) IC 20-30-5-1, IC 20-30-5-2, and IC 20-30-5-3 (the constitutions of Indiana and the United States; writings, documents, and records of American history or heritage).

(C) IC 20-30-5-4 (system of government; American history).

(D) IC 20-30-5-5 (morals instruction).

(E) IC 20-30-5-6 (good citizenship instruction).

**(10) IC 20-30-17 (curriculum portals).**

~~(11)~~ **(11) IC 20-32-4, concerning graduation requirements.**

~~(12)~~ **(12) IC 20-32-5.1, concerning the Indiana's Learning Evaluation Assessment Readiness Network (ILEARN) program.**

~~(13)~~ **(13) IC 20-32-8.5 (IRead3).**

**(14) IC 20-33-1.5 (dignity and nondiscrimination in education).**

- 1 ~~(+0)~~ **(15)** IC 20-33-2 (compulsory school attendance).
- 2 ~~(+1)~~ **(16)** IC 20-33-8-16 (firearms and deadly weapons).
- 3 ~~(+2)~~ **(17)** IC 20-33-8-19, IC 20-33-8-21, and IC 20-33-8-22
- 4 (student due process and judicial review).
- 5 ~~(+3)~~ **(18)** IC 20-33-7 (parental access to education records).
- 6 ~~(+4)~~ **(19)** IC 20-33-9 (reporting of student violations of law).
- 7 ~~(+5)~~ **(20)** IC 20-34-3 (health and safety measures).
- 8 ~~(+6)~~ **(21)** IC 20-35 (concerning special education).
- 9 ~~(+7)~~ **(22)** IC 20-39 (accounting and financial reporting
- 10 procedures).
- 11 ~~(+8)~~ **(23)** IC 20-40 (government funds and accounts).
- 12 ~~(+9)~~ **(24)** IC 20-41 (extracurricular funds and accounts).
- 13 ~~(+0)~~ **(25)** IC 20-42 (fiduciary funds and accounts).
- 14 ~~(+1)~~ **(26)** IC 20-42.5 (allocation of expenditures to student
- 15 instruction and learning).
- 16 ~~(+2)~~ **(27)** IC 20-43 (state tuition support).
- 17 ~~(+3)~~ **(28)** IC 20-44 (property tax levies).
- 18 ~~(+4)~~ **(29)** IC 20-46 (levies other than general fund levies).
- 19 ~~(+5)~~ **(30)** IC 20-47 (related entities; holding companies; lease
- 20 agreements).
- 21 ~~(+6)~~ **(31)** IC 20-48 (borrowing and bonds).
- 22 ~~(+7)~~ **(32)** IC 20-49 (state management of common school funds;
- 23 state advances and loans).
- 24 ~~(+8)~~ **(33)** IC 20-50 (concerning homeless children and foster care
- 25 children).
- 26 ~~(+9)~~ **(34)** IC 22-2-18, before its expiration on June 30, 2021
- 27 (limitation on employment of minors).

28 (d) The Muncie Community School Corporation is subject to  
29 required audits by the state board of accounts under IC 5-11-1-9.

30 (e) Except to the extent required under a collective bargaining  
31 agreement entered into before July 1, 2018, the Muncie Community  
32 School Corporation is not subject to IC 20-29 unless the school  
33 corporation voluntarily recognizes an exclusive representative under  
34 IC 20-29-5-2. If the school corporation voluntarily recognizes an  
35 exclusive representative under IC 20-29-5-2, the school corporation  
36 may authorize a school within the corporation to opt out of bargaining  
37 allowable subjects or discussing discussion items by specifying the  
38 excluded items on the notice required under IC 20-29-5-2(b). The  
39 notice must be provided to the education employment relations board

1 at the time the notice is posted."

2 Page 12, line 21, delete "lesson plan or".

3 Page 13, line 5, delete "review" and insert **"review, at its**  
4 **discretion,"**.

5 Page 13, delete lines 18 through 25, begin a new paragraph and  
6 insert:

7 **"Sec. 4. (a) The curricular materials advisory committee shall**  
8 **be comprised according to the following parameters:**

9 (1) **Sixty percent (60%) parents of students within the school**  
10 **corporation. However, not more than fifty percent (50%) of**  
11 **the parents of students may be employees of the school**  
12 **corporation.**

13 (2) **Forty percent (40%) teachers, administrators, or members**  
14 **of the community. However, not more than fifty percent**  
15 **(50%) of the teachers, administrators, or community**  
16 **members that comprise the forty percent (40%) may be**  
17 **administrators."**

18 Page 13, line 27, after "committee." insert **"Members appointed**  
19 **under subsection (a) shall serve a four (4) year term. The**  
20 **governing body may fill a vacancy on the committee with a**  
21 **member who will serve a four (4) year term."**

22 Page 13, line 29, delete "attempt" and insert **"make a reasonable**  
23 **effort"**.

24 Page 14, line 3, delete "Except as otherwise provided by law, the".  
25 and insert **"The"**.

26 Page 14, line 7, delete "committee." and insert **"committee, unless**  
27 **otherwise provided by law.**

28 **Sec. 6. The governing body may accept, reject, or otherwise**  
29 **modify a recommendation made by the committee."**

30 Page 14, line 8, delete "6." and insert **"7."**

31 Page 15, line 39, delete "licenced" and insert **"licensed"**.

32 Page 15, line 40, delete "for a violation of" and insert **"if the**  
33 **individual willfully or wantonly violates"**.

34 Page 16, line 6, delete "acting in an official capacity".

35 Page 16, delete lines 21 through 24, begin a new line block indented  
36 and insert:

37 **"(4) That members of any sex, race, ethnicity, religion, color,**  
38 **national origin, or political affiliation should treat others with**  
39 **disrespect due to the other individual's sex, race, ethnicity,**  
40 **religion, color, national origin, or political affiliation."**

Page 17, line 3, after "that" insert "**violates subsection (a)(1) through (a)(8).**".

Page 17, delete lines 4 through 6.

Page 17, between lines 10 and 11, begin a new paragraph and insert:  
 "SECTION 11. IC 20-30-5-6, AS AMENDED BY P.L.246-2005,  
 SECTION 170, IS AMENDED TO READ AS FOLLOWS  
 [EFFECTIVE JULY 1, 2022]: Sec. 6. (a) This section applies only to  
 public schools.

(b) As used in this section, "good citizenship instruction" means  
 integrating instruction into the current curriculum that stresses the  
 nature and importance of the following:

- (1) Being honest and truthful.
- (2) Respecting authority.
- (3) Respecting the property of others.
- (4) Always doing the student's personal best.
- (5) Not stealing.
- (6) Possessing the skills (including methods of conflict resolution)  
 necessary to live peaceably in society and not resorting to  
 violence to settle disputes.
- (7) Taking personal responsibility for obligations to family and  
 community.
- (8) Taking personal responsibility for earning a livelihood.
- (9) Treating others the way the student would want to be treated.
- (10) Respecting the national flag, the Constitution of the United  
 States, and the Constitution of the State of Indiana.
- (11) Respecting the student's parents and home.
- (12) Respecting the student's self.
- (13) Respecting the rights of others to have their own views and  
 religious beliefs.
- (14) The ideals and values expressed or enumerated in the  
 Constitution of the United States compared to forms of  
 government that conflict with and are incompatible with the  
 principles of western political thought upon which the United  
 States was founded.**
- (15) Individual rights, freedoms, and political suffrage.**
- (16) The economic and political institutions which have best  
 contributed toward human advancement, prosperity,  
 scientific inquiry, and well-being.**

(c) The department shall:

- (1) identify; and

- 1 (2) make available;
- 2 models of conflict resolution instruction to school corporations. The
- 3 instruction may consist of a teacher education program that applies the
- 4 techniques to the students in the classroom to assist school corporations
- 5 in complying with this section."
- 6 Page 20, line 2, delete "laboratory" and insert "**qualified school (as**
- 7 **defined in IC 20-30-17-3)**".
- 8 Page 20, line 3, delete "school established under IC 20-24.5-2,".
- 9 Page 21, line 18, delete "qualfied" and insert "**qualified**".
- 10 Page 22, line 27, after "(b)" delete "Not" and insert "**Except as**
- 11 **otherwise provided in section 8 of this chapter, not**".
- 12 Page 22, line 36, delete "qualifed" and insert "**qualified**".
- 13 Page 24, between lines 3 and 4, begin a new paragraph and insert:
- 14 "**Sec. 8. A qualified school at which parents of enrolled students**
- 15 **or emancipated students have access to an electronic or virtual**
- 16 **school platform that provides access to all curriculum and**
- 17 **educational activities for the applicable student to the parent and**
- 18 **an individual involved in the student's education who is designated**
- 19 **by the parent (not to exceed four (4) individuals) satisfies the**
- 20 **requirements described in section 4(b) of this chapter.**".
- 21 Page 25, line 17, delete "include or".
- 22 Page 25, line 20, delete ", acting in their official capacity,".
- 23 Page 25, line 21, delete "include or".
- 24 Page 25, delete lines 35 through 38, begin a new line block indented
- 25 and insert:
- 26 "**(4) That members of any sex, race, ethnicity, religion, color,**
- 27 **national origin, or political affiliation should treat others with**
- 28 **disrespect due to the other individual's sex, race, ethnicity,**
- 29 **religion, color, national origin, or political affiliation.**".
- 30 Page 27, line 2, delete "affiliation." and insert "**affiliation or ideals**
- 31 **or values that conflict with the Constitution of the United States.**".
- 32 Page 27, line 39, after "chapter." insert "**The complaint must be**
- 33 **filed within thirty (30) business days of the date the school**
- 34 **employee, parent, or emancipated student became aware, or by the**
- 35 **exercise of reasonable diligence should have been aware, of the**
- 36 **occurrence giving rise to the complaint.**".
- 37 Page 28, line 6, after "(5)" insert "**business**".
- 38 Page 28, line 32, after "(30)" insert "**business**".
- 39 Page 28, line 42, after "(30)" insert "**business**".
- 40 Page 29, line 19, after "(a)" insert "**This section does not apply to**

transitional services as described in 34 CFR 300.32(b) that are part of a student's individual education program.

(b)".

Page 29, line 19, after "A" insert "licensed psychologist or school psychologist at".

Page 29, line 20, after "IC 20-30-17-3)" insert "or an employee of the qualified school".

Page 29, line 29, delete "(b)" and insert "(c)".

Page 29, line 40, after "IC 20-30-17-3)" insert "or an employee of the qualified school".

Page 30, line 2, delete "(c)" and insert "(d)".

Page 30, line 4, delete "(d)" and insert "(e)".

Page 30, line 5, delete "(e)" and insert "(f)".

Page 30, line 8, delete "(f)" and insert "(g)".

Page 30, line 11, delete "situation." and insert "situation in which an intervention or rapid response service is needed to evaluate or stabilize an immediate, medical, behavioral, or mental health condition, or without which, the student is in immediate danger of experiencing abuse or neglect."

Page 30, line 18, delete "include or".

Page 30, line 21, delete ", acting in their official capacity,".

Page 30, line 22, delete "include or".

Page 30, delete lines 36 through 39, begin a new line block indented and insert:

**"(4) That members of any sex, race, ethnicity, religion, color, national origin, or political affiliation should treat others with disrespect due to the other individual's sex, race, ethnicity, religion, color, national origin, or political affiliation."**

Page 31, line 24, after "political" insert "affiliation or ideals or values that conflict with the Constitution of the United States."

Page 31, delete line 25.

Renumber all SECTIONS consecutively.

(Reference is to HB 1134 as introduced.)