

PROPOSED AMENDMENT

ES 388 # 6

DIGEST

Disclosure reports. Provides that each school corporation and charter school shall submit a disclosure report to the department of education (department) if the school corporation or charter school receives a gift from a foreign source. Provides that the department shall post the disclosure report for each school corporation or charter school on the department's Internet web site. Defines "institution". Provides that each institution shall submit a disclosure report to the commission for higher education (commission) of all gifts from a foreign source. Provides that the commission shall post the disclosure report for each institution on the commission's Internet web site. Provides that the attorney general may initiate a civil action to enforce the reporting requirements. Makes a technical correction.

- 1 Page 1, delete lines 1 through 17, begin a new paragraph and insert:
2 "SECTION 1. IC 20-19-11 IS ADDED TO THE INDIANA CODE
3 AS A **NEW CHAPTER** TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2022]:
5 **Chapter 11. Disclosures by Schools of Foreign Gifts and**
6 **Contracts**
7 **Sec. 1. (a) Each school corporation and charter school shall**
8 **submit a disclosure report that includes information required to be**
9 **reported in a disclosure report described in 20 U.S.C. 1011f to the**
10 **to the department in a manner prescribed by the department if the**
11 **school corporation or charter school receives a gift from a foreign**
12 **source described in 20 U.S.C. 1011f(b), regardless of the amount of**
13 **the gift.**
14 **(b) The department shall post the disclosure report for each**
15 **school corporation or charter school on the department's Internet**
16 **web site.**
17 **Sec. 2. (a) The department shall send copies of all reports**
18 **described in section 1 of this chapter to the attorney general, in a**
19 **manner prescribed by the attorney general.**
20 **(b) If it appears that a school corporation or charter school has**
21 **failed to comply with the requirements of this chapter, a civil**
22 **action may be brought by the attorney general or at the request of:**
23 **(1) a member of the general assembly;**

- 1 (2) the governor;
 2 (3) a member of the commission for higher education;
 3 (4) a member of the state board; or
 4 (5) an Indiana taxpayer;
 5 in a circuit or superior court to request the court to compel
 6 compliance with the requirements of this chapter.

7 (c) A school entity shall pay to the attorney general the full costs
 8 to the state of obtaining compliance, including all associated costs
 9 of investigation and enforcement if the school entity is found to
 10 have knowingly or willingly failed to comply with the requirements
 11 of this chapter.

12 SECTION 2. IC 21-49 IS ADDED TO THE INDIANA CODE AS
 13 A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 14 2022]:

15 **ARTICLE 49. POSTSECONDARY EDUCATIONAL**
 16 **INSTITUTION TRANSPARENCY**

17 **Chapter 1. Disclosures by Postsecondary Educational**
 18 **Institutions of Foreign Gifts and Contracts**

19 **Sec. 1. (a) Each institution (as defined in 20 U.S.C. 1011f(h)(4))**
 20 **shall submit a disclosure report that includes information required**
 21 **to be reported in a disclosure report described in 20 U.S.C. 1011f**
 22 **to the commission, in a manner prescribed by the commission, if**
 23 **the institution (as defined in 20 U.S.C. 1011f(h)(4)) receives a gift**
 24 **from a foreign source described in 20 U.S.C. 1011f(b), regardless**
 25 **of the amount of the gift.**

26 **(b) The commission shall post the disclosure report for each**
 27 **institution (as defined in 20 U.S.C. 1011f(h)(4)) on the commission's**
 28 **Internet web site.**

29 **Sec. 2. (a) The commission shall send copies of all reports**
 30 **described in section 1 of this chapter to the attorney general, in a**
 31 **manner prescribed by the attorney general.**

32 **(b) If it appears that an institution (as defined in 20 U.S.C.**
 33 **1011f(h)(4)) has failed to comply with the requirements of this**
 34 **chapter, a civil action may be brought by the attorney general or**
 35 **at the request of:**

- 36 (1) a member of the general assembly;
 37 (2) the governor;
 38 (3) a member of the commission;
 39 (4) a member of the Indiana state board of education; or
 40 (5) an Indiana taxpayer;

1 **in a circuit or superior court to request the court to compel**
2 **compliance with the requirements of this chapter.**

3 **(c) An institution (as defined in 20 U.S.C. 1011f(h)(4)) shall pay**
4 **to the attorney general the full costs to the state of obtaining**
5 **compliance, including all associated costs of investigation and**
6 **enforcement if the institution (as defined in 20 U.S.C. 1011f(h)(4))**
7 **is found to have knowingly or willingly failed to comply with the**
8 **requirements of this chapter."**

9 Delete pages 2 through 3.

10 Page 4, delete lines 1 through 39.

11 Page 5, line 12, after "subdivision" insert ",".

12 Re-number all SECTIONS consecutively.

(Reference is to ESB 388 as printed February 15, 2022.)