HOUSE BILL No. 1447

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-23-18-3; IC 20-26-21; IC 20-33-1.5.

Synopsis: Education matters. Provides that, if a school corporation or qualified school uses a third party vendor in providing certain personal analyses, evaluations, or surveys, the third party vendor and the school corporation or qualified school may not record, collect, or maintain the responses to or results of the analysis, evaluation, or survey in a manner that would identify the responses or results of an individual student. Provides that, if a school corporation or qualified school uses a third party vendor in providing the personal analysis, evaluation, or survey, the school corporation or qualified school must provide parents or students, as applicable, two requests for written consent before administering the analysis, evaluation, or survey. Provides that the school corporation or qualified school may administer the personal analysis, evaluation, or survey if a parent or student, as applicable, does not decline the analysis, evaluation, or survey. Requires each school corporation or qualified school to: (1) post a copy of a personal analysis, evaluation, or survey on the school corporation's or qualified school's website; and (2) send with each notice an explanation of the reasons that the school corporation or qualified school is administering the personal analysis, evaluation, or survey. Requires each qualified school to establish and maintain a grievance procedure for complaints regarding a violation of this provision. Provides that, if a state agency, school corporation, or qualified school or an employee of a state agency, school corporation, or qualified school requires, makes part of a course, awards a grade or course credit, including extra credit, or otherwise incentivizes a student to engage in certain activities or practices, the state agency, school corporation, or qualified school or

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Schaibley

January 17, 2023, read first time and referred to Committee on Education.

the employee of the state agency, school corporation, or qualified school shall not require the student to adopt, affirm, affiliate, or take any action that would result in favoring any particular position on the issue or issues involved.

Introduced

First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

HOUSE BILL No. 1447

A BILL FOR AN ACT to amend the Indiana Code concerning education.

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

SECTION 1. IC 20-23-18-3, AS AMENDED BY P.L.125-2022, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: 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) IC 20-26-5-10 (criminal history).

(2) IC 20-26-21 (personal analyses, evaluations, or surveys by third party vendors).

~~(2)~~ **(3)** IC 20-28-5-8 (conviction of certain felonies or

misdemeanors; notice and hearing; permanent revocation of license; data base of school employees who have been reported).

~~(3)~~ **(4)** IC 20-28-10-17 (school counselor immunity).

~~(4)~~ **(5)** IC 20-29 (collective bargaining) to the extent required by subsection (e).

~~(5)~~ **(6)** IC 20-30-3-2 and IC 20-30-3-4 (patriotic commemorative observances).

~~(6)~~ **(7)** 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).

~~(7)~~ **(8)** IC 20-32-4, concerning graduation requirements.

~~(8)~~ **(9)** IC 20-32-5.1, concerning the Indiana's Learning Evaluation Assessment Readiness Network (ILEARN) program.

~~(9)~~ **(10)** IC 20-32-8.5 (IRead3).

~~(10)~~ **(11)** IC 20-33-2 (compulsory school attendance).

~~(11)~~ **(12)** IC 20-33-8-16 (firearms, ~~and~~ deadly weapons, **or destructive devices).**

~~(12)~~ **(13)** IC 20-33-8-19, IC 20-33-8-21, and IC 20-33-8-22 (student due process and judicial review).

~~(13)~~ **(14)** IC 20-33-7 (parental access to education records).

~~(14)~~ **(15)** IC 20-33-9 (reporting of student violations of law).

~~(15)~~ **(16)** IC 20-34-3 (health and safety measures).

~~(16)~~ **(17)** IC 20-35 (concerning special education).

~~(17)~~ **(18)** IC 20-39 (accounting and financial reporting procedures).

~~(18)~~ **(19)** IC 20-40 (government funds and accounts).

~~(19)~~ **(20)** IC 20-41 (extracurricular funds and accounts).

~~(20)~~ **(21)** IC 20-42 (fiduciary funds and accounts).

~~(21)~~ **(22)** IC 20-42.5 (allocation of expenditures to student instruction and learning).

~~(22)~~ **(23)** IC 20-43 (state tuition support).

~~(23)~~ **(24)** IC 20-44 (property tax levies).

~~(24)~~ **(25)** IC 20-46 (levies other than general fund levies).

~~(25)~~ **(26)** IC 20-47 (related entities; holding companies; lease agreements).

~~(26)~~ **(27)** IC 20-48 (borrowing and bonds).

~~(27)~~ **(28)** IC 20-49 (state management of common school funds; state advances and loans).

~~(28)~~ **(29)** IC 20-50 (concerning homeless children and foster care children).

~~(29)~~ **(30)** IC 22-2-18, before its expiration on June 30, 2021 (limitation on employment of minors).

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

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

SECTION 2. IC 20-26-21 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]:

Chapter 21. Personal Analyses, Evaluations, or Surveys by Third Party Vendors

Sec. 1. As used in this chapter, "qualified school" means the following:

(1) A school maintained by a school corporation.

(2) A charter school.

(3) A laboratory school established under IC 20-24.5-2.

(4) The Indiana School for the Blind and Visually Impaired established by IC 20-21-2-1.

(5) The Indiana School for the Deaf established by IC 20-22-2-1.

Sec. 2. This chapter does not apply to the following:

(1) An academic test or academic assessment, scoring keys, or other tools directly related to measuring a student's academic performance in understanding a particular curricular subject matter, as prescribed by the department.

(2) A career aptitude or career interest survey.

Sec. 3. If a school corporation or qualified school uses a third party vendor in providing a personal analysis, evaluation, or survey that reveals, identifies, collects, maintains, or attempts to

affect a student's attitudes, habits, traits, opinions, beliefs, or feelings, the third party vendor and the school corporation or qualified school may not record, collect, or maintain the responses to or results of the analysis, evaluation, or survey in a manner that would identify the responses or results of an individual student.

Sec. 4. (a) This section does not apply to a personal analysis, evaluation, or survey for which consent is required under IC 20-30-5-17(b).

(b) Before a school corporation or qualified school may administer a personal analysis, evaluation, or survey described in section 3 of this chapter, the school corporation or qualified 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 for administration. A consent form provided to a parent of a student or a student under this subsection must accurately summarize the contents and nature of the personal analysis, evaluation, or survey that will be provided to the student and indicate that a parent of a student or an adult or emancipated minor student has the right to review and inspect all materials related to the personal analysis, evaluation, or survey. The written consent form may be sent in an electronic format. The parent of the student or the student, if the student is an adult or an emancipated minor, may return the consent form indicating that the parent of the student or the adult or emancipated student:

(1) consents to the personal analysis, evaluation, or survey; or

(2) declines the personal analysis, evaluation, or survey.

If a student does not participate in the personal analysis, evaluation, or survey, the school corporation or qualified school shall provide the student with alternative academic instruction during the same time frame that the personal analysis, evaluation, or survey is administered.

(c) If the parent of the student or the student, if the student is an adult or an emancipated minor, does not respond to the written request provided by the school corporation or qualified school under subsection (b) within twenty-one (21) calendar days after receiving the request under subsection (b), the school corporation or qualified school shall provide the parent of the student or the student, if the student is an adult or an emancipated minor, a written notice requesting that the parent of the student, or the student, if the student is an adult or an emancipated minor, indicate, in a manner prescribed by the school corporation or qualified school, whether the parent of the student or the adult or

emancipated student:

(1) consents to the personal analysis, evaluation, or survey; or

(2) declines the personal analysis, evaluation, or survey.

A notice provided to a parent of a student or a student under this subsection must accurately summarize the contents and nature of the personal analysis, evaluation, or survey that will be provided to the student and indicate that a parent of a student or an adult or emancipated minor student has the right to review and inspect all materials related to the personal analysis, evaluation, or survey. The notice may be sent in an electronic format. If the school corporation or qualified school does not receive a response within ten (10) days after the notice, the student will receive the personal analysis, evaluation, or survey unless the parent or the adult or emancipated student subsequently opts out of the personal analysis, evaluation, or survey for the student.

(d) Each school corporation or qualified school shall:

(1) post a copy of a personal analysis, evaluation, or survey described in subsection (b) on the school corporation's or qualified school's website; and

(2) send with each notice an explanation of the reasons that the school corporation or qualified school is administering the personal analysis, evaluation, or survey.

(e) The department and the governing body shall give parents and students notice of the parents' and students' rights under this section.

Sec. 5. A parent of a student or a student, if the student is an adult or emancipated minor, who is enrolled in a qualified school may submit a complaint for a violation of this chapter under the grievance procedure maintained by the qualified school in accordance with section 6 of this chapter.

Sec. 6. Each qualified school shall establish and maintain a grievance procedure for the resolution of a complaint submitted by a parent of a student or student, if the student is an adult or emancipated minor, under section 5 of this chapter.

Sec. 7. The department shall:

(1) develop guidance materials for school corporations and qualified schools to assist school corporations and qualified schools in implementing this chapter; and

(2) post the guidance materials on the department's website.

Sec. 8. Nothing in this section prohibits qualified schools from administering state or federally required assessments.

SECTION 3. IC 20-33-1.5 IS ADDED TO THE INDIANA CODE

AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]:

Chapter 1.5. Neutrality Regarding Certain Activities

Sec. 1. As used in this chapter, "qualified school" has the meaning set forth in IC 20-26-21-1.

Sec. 2. As used in this chapter, "state agency" has the meaning set forth in IC 4-13-1.4-2.

Sec. 3. If a state agency, school corporation, or qualified school or an employee of a state agency, school corporation, or qualified school requires, makes part of a course, awards a grade or course credit, including extra credit, or otherwise incentivizes a student to engage in either:

(1) political activism, lobbying, or efforts to persuade members of the legislative or executive branch at the federal, state, or local level; or

(2) participation in any internship, practicum, or similar activity involving social or public policy advocacy;

the state agency, school corporation, or qualified school or the employee of the state agency, school corporation, or qualified school shall not require the student to adopt, affirm, affiliate, or take any action that would result in favoring any particular position on the issue or issues involved.