

## Indiana General Assembly 2022 Session

### Digest of New Laws Relevant to K-12 School Governance

Prepared by: Indiana School Boards Association

Report created on April 18, 2022

**HEA 1001 ADMINISTRATIVE AUTHORITY; COVID-19 IMMUNIZATIONS** (LEHMAN M) Allows the secretary of family and social services (secretary) to issue a waiver of human services statutory provisions and administrative rules if the secretary determines that the waiver is necessary to claim certain enhanced federal matching funds available to the Medicaid program. Allows the secretary to issue an emergency declaration for purposes of participating in specified authorized federal Supplemental Nutrition Assistance Program (SNAP) emergency allotments. Requires the secretary to prepare and submit any waivers or emergency declarations to the budget committee. Allows the state health commissioner of the state department of health or the commissioner's designated public health authority to issue standing orders, prescriptions, or protocols to administer or dispense certain immunizations for individuals who are at least five years old (current law limits the age for the commissioner's issuance of standing orders, prescriptions, and protocols for individuals who are at least 11 years old). Defines "Indiana governmental entity" and specifies that an Indiana governmental entity (current law refers to a state or local unit) may not issue or require an immunization passport. Provides that an individual is not disqualified from unemployment benefits if the individual has complied with the requirements for seeking an exemption from an employer's COVID-19 immunization requirements and was discharged from employment for failing or refusing to receive an immunization against COVID-19. Provides that an employer may not impose a requirement that employees receive an immunization against COVID-19 unless the employer provides individual exemptions that allow an employee to opt out of the requirement on the basis of medical reasons, religious reasons, or immunity from COVID-19 acquired from a prior infection with COVID-19.

**Current Status:** 3/3/2022 - **Public Law 1**

**Comments:** Effective 3/3/2022

Note: School corporations are included in the definition of governmental entity and therefore may not issue or require an immunization passport.

**HEA 1002 VARIOUS TAX MATTERS** (BROWN T) Specifies that the amount of excess combined reserves that may be transferred to the pre-1996 account in 2022 may not exceed \$2,500,000,000. Reduces the individual adjusted gross income tax rate from 3.23% in 2022 to 3.15% in 2023 and 2024. Phases down the individual adjusted gross income tax rate after 2024 depending on certain conditions being met. Allows a taxpayer to elect a special property tax valuation method for mini-mill equipment. (Current law allows the method to be used only for certain integrated steel mill and oil refinery/petrochemical equipment.) Repeals the utility receipts and utility services use taxes. Requires a utility that is subject to the jurisdiction of the Indiana utility regulatory commission (IURC) for the approval of rates and charges to file a rate adjustment with the IURC that adjusts the utility's rates and charges to reflect the repeal of the utility receipts tax. Requires a utility that is subject to the utility receipts tax and not under the jurisdiction of the IURC to adjust the utility's rates and charges to reflect the repeal of the utility receipts tax. Requires each utility to provide notice to the utility's customers that the adjustment in rates and charges reflects the repeal of the utility receipts tax. Specifies taxpayer procedure for the repeal of the utility receipts and utility services use tax. Provides that the office of the secretary of family and social services may not enter into a final contract that would implement a risk based managed care program or capitated program for the specified Medicaid population before January 31, 2023. Makes conforming changes.

**Current Status:** 3/15/2022 - **Public Law 138**

**Comments:** SECTIONS 1, 15-16, 18, 24: effective 3/15/2022; SECTIONS 2-14, 17, 19-23: effective 7/1/2022

Note: This tax cut package, largely reductions in the individual income tax, makes a \$6.6 billion cumulative impact by FY 2031, if all cuts are implemented by "trigger" provisions being met. This could have an impact on K-12 education funding down the road when state revenue growth slows and the state's reserve fund is not as robust. This bill does include a significant pay down of the pre-1996 TRF pension liability.

**HEA 1041 PARTICIPATION IN SCHOOL SPORTS** (DAVIS M) Requires, for purposes of interscholastic athletic events, school corporations, public schools, nonpublic schools, and certain athletic associations to expressly designate an athletic team or sport as one of the following: (1) A male, men's, or boys' team or sport. (2) A female, women's, or girls' team or sport. (3) A coeducational or mixed team or sport. Prohibits a male, based on the student's biological sex at birth in accordance with the student's genetics and reproductive biology, from participating on an athletic team or sport designated as being a female, women's, or girls' athletic team or sport. Requires school corporations, public schools, certain nonpublic schools, and certain athletic associations to: (1) establish and maintain grievance procedures; or (2) maintain grievance or protest procedures established before July 1, 2022; for a violation of these provisions. Establishes a civil action for a violation of these provisions. Provides that school corporations, public schools, certain nonpublic schools, and certain athletic associations are not subject to liability in a civil, administrative, disciplinary, or criminal action for acting in compliance with these provisions.

**Current Status:** 3/21/2022 - **VETOED BY GOVERNOR**

**Comments:** Note: The Speaker of the House of Representatives, Representative Huston, has indicated that a veto override vote will take place on the next technical corrections session day likely in late May.

**HEA 1093 EDUCATION MATTERS** (BEHNING R) Amends the membership and duties of the early learning advisory committee. Makes changes to the definition of "school resource officer". Provides that, after June 30, 2023, if a school corporation or charter school enters into a contract for a school resource officer, certain school corporations or charter schools must enter into a memorandum of understanding with the law enforcement agency that employs or appointed the law enforcement officer who will perform the duties of a school resource officer. Provides that certain parties are prohibited from incentivizing the enrollment, reenrollment, or continued attendance of a student or prospective student by offering or giving an item that has monetary value. Requires the Indiana charter school board (board) to appoint an executive director to carry out the duties and daily operations of the board. Establishes the executive director's duties. Provides that the board shall establish certain processes. Establishes the Indiana charter school board fund and provides that money in the fund is appropriated continuously for purposes of the board. Provides that the department of education (department) may grant an accomplished practitioner's license under certain conditions. Establishes: (1) a definition for "virtual student instructional day"; and (2) requirements for virtual student instructional days. Provides that a public school may conduct not more than three virtual student instructional days that do not meet the established requirements. Provides that a public school that does not comply with these provisions may not count a student instructional day toward the 180 day student instructional day requirement. Allows the department to waive these requirements.

Provides that the instructional days tuition support distribution formula take into account only certain schools and grades within a school corporation if fewer than all the schools fail to conduct the minimum number of student instructional days. Authorizes the department to study and, if recommended, use machine scoring. Provides that, after a school receives statewide assessment score reports, a teacher of a student shall discuss the student's statewide assessment results with a parent at the next parent/teacher conference or, if the school does not hold parent/teacher conferences, send a notice to a parent of the student offering to meet with the parent to discuss the results. Provides that the department may include in a contract entered into or renewed after June 30, 2022, with a statewide assessment vendor a requirement that the vendor provide a summary of a student's statewide assessment results that meets certain requirements. Changes the department's review period for certain funds. Provides that the state board of education shall assign to a school or school corporation (including adult high schools) a "null" or "no letter grade" for the 2021-2022 school year. Repeals a provision concerning staffing of the board.

**Current Status:** 3/15/2022 - **Public Law 139**

**Comments:** SECTIONS 1-2, 5-20: effective 7/1/2022; SECTIONS 3-4: effective 4/1/2022; SECTION 21: effective 7/1/2021(RETROACTIVE)

Note: The Indiana Department of Education (IDOE) has announced it will implement a Virtual Learning Day Certification that will allow schools to request flexibility beyond the three-day limit. More information about this certification process was to be shared on Friday, April 8. Contact the [Office of Digital Learning](#) with questions.

**HEA 1094 EDUCATION MATTERS (TESKA J)** Requires, not later than December 31, 2022, the department of education (department) to: (1) issue a request for proposals for the purpose of contracting with a company to provide; or (2) enter into a memorandum of understanding with a statewide entity to facilitate the procurement of; adequate employer liability and worker's compensation insurance coverage for employers that employ students in work based learning courses. Specifies an exception. Provides that the total amount of funds that the department may expend to carry out the request for proposals or the memorandum of understanding must be less than \$100,000. Provides that an employer: (1) may purchase the employer liability and worker's compensation coverage; and (2) is responsible for paying any costs associated with purchasing the coverage. Requires that, if the state board of education grants the designation of a transformation zone within a school corporation after June 30, 2022, the governing body of the school corporation may enter into an agreement with a nonprofit organization to manage and operate all of the schools included in the transformation zone. Provides that the governing body of a school corporation or entity that is a party to any agreement for the management and operation of a transformation zone may submit a complaint first to the governing body, and second to the department for an alleged violation of the agreement. Provides that, not later than 15 days after the date an entity submits a complaint to the department, the department shall issue a decision concerning the complaint. Provides that employees of a transformation zone may organize and create a separate bargaining unit to collectively bargain with the entity operating the transformation zone.

**Current Status:** 3/15/2022 - **Public Law 140**

**Comments:** Effective 7/1/2022

Note: ISBA supported this legislation to expand work-based learning opportunities and formalize apprenticeship programs with CTE formula funding.

**HEA 1130 OPEN MEETINGS (O'BRIEN T)** Requires a governing body of a school corporation (school board) to allow each member of the public attending a meeting (attendee) the opportunity to provide oral public comment. Allows a school board to permit oral public comment at a public meeting that is conducted electronically during a state or local disaster emergency. Restricts the circumstances in which the governing body of a state or local public agency may hold a virtual meeting during a declared disaster emergency without any of the governing body members physically present.

**Current Status:** 3/14/2022 - **Public Law 116**

**Comments:** Effective 7/1/2022

Note: ISBA will post additional guidance documents including a FAQ on our website to help school boards establish rules on public comment. Please check <https://isba-ind.org> for these resources.

**HEA 1192 QUALIFIED PROVIDERS AND MEDICAID SCHOOL SERVICES (KARICKHOFF M)** Defines "qualified provider" and "school based nurse" for purposes of providing Medicaid covered services in a school setting. Specifies conditions that must be met in order for the school based Medicaid services to be provided.

**Current Status:** 3/7/2022 - **Public Law 35**

**Comments:** Effective 7/1/2022

**HEA 1223 EDUCATION MATTERS (DAVISSON J)** Requires that the Indiana family friendly school designation program of the department of education (department) establish a procedure under which the department must conduct an assessment for the purpose of evaluating and improving parent involvement in the school if the parents of at least 10% of the students currently included in the average daily membership (ADM) at a particular school request an assessment. Requires that the department determine the manner in which requests may be submitted.

**Current Status:** 3/10/2022 - **Public Law 75**

**Comments:** Effective 7/1/2022

**HEA 1251 VARIOUS EDUCATION MATTERS (BEHNING R)** Requires the department of education (department) to apply to the United States Department of Education for assessment flexibility. Requires the department to: (1) prepare a report that includes information and recommendations regarding establishing and implementing a parent-teacher compact program; and (2) submit the report to the legislative council not later than November 1, 2022. Provides that the state board of education (state board) shall, in consultation with postsecondary educational institutions and various businesses and industries, identify what skills or traits students need to be successful upon completion of high school. Requires the department to conduct a research study regarding academic standards. Requires the department to establish an online adjunct teacher portal. Provides that the governing body of a school corporation may issue an adjunct teacher permit to an individual who meets certain requirements. Establishes requirements for adjunct teacher employment agreements. Provides that the employment agreements are not subject to certain requirements regarding teacher salaries and school corporation local compensation plans. Provides that: (1) an adjunct teacher is not a school employee for purposes of collective bargaining; and (2) an employment agreement with an adjunct teacher is not subject to a collective bargaining agreement. Provides that the school employer shall discuss the use of adjunct teachers with the exclusive representative of certificated employees. Requires the governing body of a school corporation to announce any vacant adjunct teacher positions at meetings of the governing body. Amends the definition of "primary use of the building" for certain applicable high schools for purposes of occupancy classification requirements.

Amends the definition of "appropriate vehicle". Provides that a special purpose bus or an appropriate vehicle may be used to transport students under certain circumstances. Provides that the state board may adopt emergency rules relating to school accreditation. Provides that the driver of a special purpose bus or an appropriate vehicle must pass an expanded criminal history check and an expanded child protection index check. Makes changes to visual acuity requirements for a bus driver. Establishes the Indiana student enrichment grant program (program). Provides that an enrichment student is eligible to establish an Indiana enrichment scholarship account. Provides that an enrichment student may receive \$1,000 to be used for certain qualified expenses. Provides that the department shall administer the program. Provides that the program expires July 1, 2025.

**Current Status:** 3/18/2022 - **Public Law 168**

**Comments:** SECTION 1, 6, 18-20, 22-23: effective 3/18/2022 ; SECTIONS 2-5, 7-17, 21: effective 7/1/2022

Note: A school board may choose to take advantage of the provisions on hiring an adjunct teacher and will have local flexibility on pay and hours. This is not a mandate.

**HEA 1285 REDISTRICTING LOCAL ELECTION DISTRICTS (TESHKA J)** Provides that redistricting election districts for local and school board offices must occur at certain times. Removes a provision that limited the number of school board members that may reside in the same school board district for the Indianapolis public school board. Changes the entity that establishes the Indianapolis public school districts within the school city from the Indiana state board of education to the board of school commissioners. Removes the discretionary ability of political subdivisions to redistrict election districts at times other than those required by statute. Allows for additional time for redistricting after the 2020 decennial census. Consolidates certain local redistricting statutes in the same location. Changes population parameters to reflect the population count determined under the 2020 decennial census. Repeals obsolete statutes and makes other conforming changes.

**Current Status:** 3/18/2022 - **Public Law 169**

**Comments:** Effective 3/18/2022

**HEA 1313 SCREENING CHILDREN FOR LEAD POISONING (BARRETT B)** Requires the state department of health to establish guidance and standards for health care providers for screening children in Indiana for lead poisoning from January 1, 2023, through December 31, 2026. Requires a health care provider who provides health care services to a child who is less than six years of age to take certain actions concerning a blood lead screening test from January 1, 2023, through December 31, 2026. Specifies that a parent or guardian is not required to have their child receive a blood lead screening test.

**Current Status:** 3/10/2022 - **Public Law 80**

**Comments:** Effective 1/1/2023

**HEA 1318 CHILD CARE PROVIDED BY A SCHOOL CORPORATION (SNOW C)** Allows a child care program that: (1) is operated by a public or private school; and (2) provides day care on the school premises for children of students or employees of schools in the school corporation in which the public or private school is located; to be exempted from licensure as a child care facility. Provides that: (1) a preschool program that is operated by a public or private school; and (2) either or both: (A) a child care program that is located in the public or private secondary school and provides child care for children of employees or students of the public or private secondary school; and (B) a latch key program; are exempt from licensure as child care facilities if located in the same public or private school building. Provides that for purposes of determining the child to staff ratio and group size requirements for a child care program that: (1) enrolls children at least two and one-half

years of age, but not more than six years of age; and (2) is validated as a Montessori program by the United Montessori Schools of Indiana; the division of family resources of the family and social services administration shall use the average age of the children in the group as of January 1 of the school year.

**Current Status:** 3/10/2022 - **Public Law 81**

**Comments:** Effective 7/1/2022

**HEA 1320 PURCHASES FROM YOUTH AGRICULTURAL PROGRAMS (SNOW C)** Raises the total amount of food that a public school or school corporation (purchasing agency) may purchase from a youth agricultural education program to \$10,000 per fiscal year. Specifies that if a purchasing agency purchases more than \$10,000 of food from a youth agricultural educational program per fiscal year, the purchasing agency must comply with the applicable federal procurement requirements.

**Current Status:** 3/10/2022 - **Public Law 82**

**Comments:** Effective 7/1/2022

**HEA 1361 TANF AND CHILD CARE ASSISTANCE ELIGIBILITY (GOODRICH C)** Provides, for purposes of the Temporary Assistance for Needy Families program (TANF), that a TANF assistance group that has qualified for and is receiving assistance under TANF does not cease to qualify for assistance under TANF due solely to an increase in the value of the resources of the TANF assistance group so long as the resources of the TANF assistance group are valued at not more than \$10,000. Provides that: (1) the value of a child's primary residence; and (2) \$20,000 of total equity value in motor vehicles belonging to members of a child's family; are exempt from consideration for purposes of determining the child's eligibility for TANF. Provides that up to \$15,000 in income earned by a household member while the household member is a student participating in or pursuing: (1) the household member's first postsecondary degree; (2) a workforce certificate; (3) a preapprenticeship; or (4) an apprenticeship; may not be considered in determining the amount of assistance for which the household is eligible under the Child Care and Development Fund voucher program.

**Current Status:** 3/10/2022 - **Public Law 83**

**Comments:** Effective 7/1/2022

**SEA 2 VARIOUS EDUCATION MATTERS (RAATZ J)** Provides that, in determining whether at least 50% of the instructional services that a student receives from a school corporation is virtual instruction for purposes of the 2021 fall count of ADM, the department of education (department) shall review the attendance of each student on each school day from the school corporation's first day of school until the school corporation's last day of school of the 2021 fall semester. Makes an exception regarding the school days the department reviews for students who transferred to or from a school corporation during the 2021 fall semester. Provides that, if a school corporation's tuition support amount is adjusted as a result of the application of this provision, the department shall, after December 31, 2021, settle any overpayment or underpayment of state tuition support to a school corporation resulting from the adjustment of tuition support on the schedule determined by the department. Requires each school corporation and charter school to annually report to the department the number of students who, during the students' expected graduation year: (1) were enrolled in the school corporation on the September ADM count day; (2) completed graduation requirements before the February ADM count day; and (3) were not enrolled in the school corporation on the February ADM count day. Requires, not later than September 1 of each year, the department to: (1) compile and prepare a report regarding the information reported by school corporations and charter schools; and (2) submit the report to the legislative council.

**Current Status:** 3/18/2022 - **Public Law 148**

**Comments:** SECTIONS 1-2: effective 3/18/2022; SECTIONS 3-4: effective 7/1/2021(RETROACTIVE)

Note: ISBA supported this legislation to address student absences prompted by ISDH COVID quarantine requirements. The 2021 fall semester ADM count will look at attendance and virtual learning for the entire semester (to determine 85% or 100% funding per student).

**SEA 82**      **FAFSA** (LEISING J) Requires each school corporation and charter high school to: (1) use the model FAFSA notice prepared by the commission for higher education (commission); and (2) provide the model notice to certain students. Allows a nonpublic school to provide the model notice to certain students. Requires the commission to develop an online FAFSA affirmation form and provide information to certain schools to determine which students have completed the FAFSA and the affirmation form. Amends the information required to be included in the model FAFSA notice.

**Current Status:** 3/10/2022 - **Public Law 51**

**Comments:** Effective 7/1/2022

**SEA 83**      **OPEN MEETINGS** (LEISING J) Requires a governing body of a school corporation or charter school to permit oral public comment on a topic before the governing body takes final action on the topic. Allows the governing body of a state or local public agency to conduct a meeting electronically without any governing body members physically present if a state or local disaster emergency is declared and the following circumstances exist: (1) Meeting in person would present an imminent risk to the health or safety of the governing body and public. (2) In the case of a governing body of a school corporation or charter school, in addition to the presence of the circumstances described in (1), at least one school within the jurisdiction of the school corporation or charter school is closed because of the disaster emergency. Adds a definition of "charter school" for purposes of the open door law that includes a virtual charter school.

**Current Status:** 3/15/2022 - **Public Law 124**

**Comments:** Effective 7/1/2022

Note: In addition to the provisions on public comment, note that the authority of a school board to meet virtually has been limited to times when a state or local disaster emergency has been declared and (1) meeting in-person would present a health or safety risk to both the members of the schoolboard and the public and (2) at least one school is closed due to the disaster emergency.

**SEA 89**      **HIGHER EDUCATION SCHOLARSHIPS** (ROGERS L) Provides that the commission's annual schedule of awards must provide award amounts on the basis of a federal needs calculation. Amends language concerning teacher stipends to teacher scholarships. Provides that the total amount of scholarships or other financial aid received by an individual may not exceed certain total expenses.

**Current Status:** 3/10/2022 - **Public Law 52**

**Comments:** Effective 7/1/2022

**SEA 91**      **TEACHER PREPARATION PROGRAMS** (ROGERS L) Allows a teacher preparation program to report the program's admission practices, in accordance with the Association for Advancing Quality in Educator Preparation (AAQEP) standards, for teacher preparation

programs accredited by the AAQEP. Requires the department of education (department) to approve at least two accreditors that: (1) accredit teacher preparation programs; and (2) are recognized by the Council for Higher Education Accreditation; to accredit teacher preparation programs for use in Indiana. Requires the department to annually report to the legislative council the percentage of teachers who complete a particular teacher preparation program who are teaching in Indiana: (1) five years; and (2) ten years; after completion of the particular teacher preparation program. Removes a requirement that each charter school and school corporation annually provide to the department: (1) the name of the teacher preparation program that recommended the initial license for each teacher employed by the school; and (2) the annual retention rate for teachers employed by the school.

**Current Status:** 3/8/2022 - **Public Law 41**

**Comments:** Effective 7/1/2022

**SEA 115 SCHOOL EMPLOYEE MISCONDUCT (FREEMAN A)** Provides that a policy adopted by a school corporation, charter school, or nonpublic school with at least one employee addressing expanded criminal history checks or expanded child protection index checks (background checks) must prohibit the hiring of, continuing the employment of, contracting with, or continuing to contract with a person who has been convicted of an offense requiring license revocation, unless the conviction has been reversed, vacated, or set aside on appeal. (Current law provides that such a policy addressing background checks must prohibit the hiring of a person who has been convicted of an offense requiring license revocation, unless the conviction has been reversed, vacated, or set aside on appeal.) Provides that: (1) a school corporation; (2) a charter school; or (3) an entity: (A) with which a school corporation contracts for services; and (B) that has employees who are likely to have direct, ongoing contact with children within the scope of the employees' employment; shall consider whether information obtained from the background checks concerning an individual's conviction for certain offenses constitutes grounds to not employ, not contract with, or to terminate the employment of or contract with the individual. Provides that, in the event that an entity obtains information that an individual employed by the entity who works at a particular school corporation or charter school has been convicted of certain offenses, the entity shall immediately notify the school corporation or charter school of the employee's conviction. Makes changes to the list of offenses for which the department of education shall permanently revoke a teacher's license. Makes conforming changes.

**Current Status:** 3/15/2022 - **Public Law 125**

**Comments:** Effective July 1, 2022

Note: These amendments further enhance a school board's ability to determine whether persons who have been convicted of certain felonies should be employed by the school board.

**SEA 123 DYSLEXIA SCREENING AND INTERVENTION (FREEMAN A)** Provides that the dyslexia screening and intervention provisions apply to: (1) qualified districts or qualified high schools; and (2) innovation network schools. Provides that the following may not waive or suspend the dyslexia screening and intervention provisions: (1) A coalition of continuous improvement school districts. (2) State accredited public schools. Adds, for consistency, the dyslexia screening and intervention provisions to the list of statutes that apply to charter schools. (Under current law, the dyslexia screening and intervention requirements already apply to charter schools because of the language in the dyslexia screening and intervention provisions.)

**Current Status:** 3/15/2022 - **Public Law 126**

**Comments:** Effective 7/1/2022

**SEA 134**     **APPROPRIATION OF DONATED MONEY** (BROWN L) Adds language specifying that a political subdivision that conducts or administers an election may not accept private money donations to prepare, administer, or conduct elections or to employ individuals on a temporary basis for preparing, administering, or conducting elections, including registering voters. Requires all state agencies to submit to the budget agency a report of each individual state employee employed by the state agency whose salary is funded in whole or in part from donated money. Provides that if the donation of money is to the secretary of state, the report shall specify whether the money was or will be distributed to political subdivisions for preparing, administering, or conducting elections, and, if so, the specific types of uses for which the donated money will be used by those political subdivisions. Requires the budget agency to annually submit to the budget committee a report of the information that specifies and identifies each individual state employee whose salary is funded in whole or in part from donated money, which must be posted and made available on the Indiana transparency portal. Requires all local units of government to submit to the state board of accounts (SBA) a report of each individual local unit of government employee employed by the local unit of government whose salary is funded in whole or in part from donated money. Requires the SBA to annually submit to the budget committee a report of the information that specifies and identifies each individual local unit of government employee whose salary is funded in whole or in part from donated money, which must be made available to the public. Defines "local unit of government" for purposes of the reporting requirement. Specifies that the term does not include hospitals.

**Current Status:** 3/11/2022 - **Public Law 87**

**Comments:** Effective 3/11/2022

**SEA 145**     **PROPERTY TAX MATTERS** (BUCHANAN B) Provides that the true tax value of commercial real property commercial property with a structure, or a portion thereof, that: (1) is at least 100,000 square feet in area; (2) is used for retail purposes; and (3) is occupied by a single retailer; shall be determined by application of the cost approach. Provides that the application of the cost approach requirement is not applicable if the property was: (1) vacated by the original occupant for which the property was constructed; (2) constructed more than five years prior to the assessment date; or (3) substantially and adversely impacted by a change in a roadway or traffic pattern. Provides that estimates of depreciation and obsolescence shall not be based on data derived from the sales comparison or income capitalization approaches. Requires the department of local government finance (department) to establish a standard construction cost per square foot for the purpose of applying the cost approach. Requires the department to update the standard construction cost per square foot annually. Provides that when requesting a review, a taxpayer may present an appraisal based on the cost approach as evidence that the actual construction cost was lower than the department's determined standard construction cost per square foot that was used to assess the property. Provides that the parties to any appeal may enter into a written agreement to stipulate to the true tax value of the property. Provides that the fiscal officer of the county may establish a separate account for the tax receipts that are attributable to the property tax assessment that is the subject of review.

**Current Status:** 3/10/2022 - **Public Law 54**

**Comments:** Effective 1/1/2023

Note: Of significance to Operations Fund revenues via property taxes, this law specifies that the DLGF shall redefine the true tax value of a commercial property ("Big Box Stores").

**SEA 290**    **VARIOUS EDUCATION MATTERS** (RAATZ J) Requires the department of education (department) to establish a career coaching pilot program to award grants to school corporations to establish career coaching programs for students of the school corporation. Beginning July 1, 2022, requires the department to annually submit a report to the general assembly in an electronic format that provides certain information concerning high school graduation waiver rates and graduation pathways and to post the report on the department's Internet web site. Provides that, if the total amount of state tuition support that a school corporation receives or will receive during a school year decreases under the student instructional day reduction of tuition support provision by an amount that is equal to or more than \$250,000 from the amount the school corporation would otherwise be eligible to receive during the school year, the budget committee shall review the amount of and the reason for the decrease before the implementation of the decrease. Provides that, if an adjustment by the state board of education (state board) of the count of enrolled eligible pupils for one or more school corporations would increase or decrease the total distribution of state tuition support in an amount that is equal to or more than \$250,000, the adjustment must be reviewed by the budget committee before the state board may adjust the enrollment count. Provides that, if the state board determines that extreme patterns of certain conditions on the count day or the subsequent adjustment date cause the enrollment to be unrepresentative of the enrollment of one or more school corporations by a count of eligible pupils that would increase or decrease the total distribution of state tuition support in an amount that is equal to or more than \$250,000 as a result of changing the count day, the state board may designate another day for determining the enrollment of the one or more school corporations after review by the budget committee. Provides that the state board shall assign to a school or school corporation (including adult high schools) a "null" or "no letter grade" for the 2021-2022 school year.

**Current Status:** 3/15/2022 - **Public Law 130**

**Comments:** SECTION 1, 3-9: effective 7/1/2022; SECTION 2: effective 3/15/2022; SECTION 10: effective 7/1/2021(RETROACTIVE)  
Note: This law does NOT include limits on superintendent compensation or a provision to require two public meetings on the proposed contract of a superintendent. These provisions (added by the House) were removed in conference committee.

**SEA 297**    **SCHOOL EMPLOYEE DUES DEDUCTIONS** (BOOTS P) Amends the content of the statement that is required to be included on an authorization form for deducting school employee organization dues from school employee pay. Provides that the provision regarding the content of the statement applies only to collective bargaining agreements or contracts entered into, renewed, modified, extended, or amended after June 30, 2022.

**Current Status:** 3/7/2022 - **Public Law 22**

**Comments:** Effective 7/1/2022

**SEA 331**    **EDUCATION MATTERS** (BUCHANAN B) Provides that, for purposes of determining the funding floor for teachers of a school corporation, the amount a school corporation expends for full-time teacher salaries shall include the amount the school corporation expends for participating in a special education cooperative or a career and technical education cooperative that is directly attributable to the salaries of full-time teachers employed by the cooperative, as determined by the department of education (department). Requires the department to annually report to the legislative council and the state budget committee on certain matters regarding full-time teacher salaries and benefits and the issuance of waivers of the requirement that a school corporation expend a specified percentage of tuition support for full-time teacher salaries. Authorizes the

treasurer of state (treasurer) to deduct up to 10% of funds made available for the Indiana education scholarship account program (program) to cover costs of administering the program in the first year and up to 5% of funds made available in each year thereafter. Establishes the Indiana education scholarship account administration fund (fund) to support the administration of the program. Requires any amounts deducted by the treasurer for administration costs to be deposited in the fund. Removes a requirement for certain participating entities in the program to post a surety bond. Makes technical corrections.

**Current Status:** 3/15/2022 - **Public Law 132**

**Comments:** SECTIONS 3-8 effective 3/15/2022; SECTIONS 1-2: effective 7/1/2022

Note: This law includes a requirement that IDOE study and report on teacher salaries and benefits. It also adjusts the "45% calculation" (for percent of tuition support for teacher pay) to include CTE and special education cooperative expenses attributable for full-time teachers for each school corporation.

**SEA 356 EDUCATION MATTERS (ROGERS L)** Makes changes to the requirements necessary to obtain an initial practitioner license for an individual who completes an alternative teacher certification program and changes regarding teaching special education under the license. Provides that, for school years beginning after June 30, 2022, a school corporation may provide a supplemental payment to a teacher in excess of the salary specified in the school corporation's compensation plan. (Current law allows a school corporation to provide supplemental payment to a teacher in excess of the salary specified in the school corporation's compensation plan if certain circumstances apply.)

**Current Status:** 3/15/2022 - **Public Law 134**

**Comments:** SECTION 1: effective 3/15/2022; SECTION 2: effective 7/1/2022

Note: A school board may choose to provide a supplemental payment to any teacher, but must discuss the proposed payment with the exclusive representative.

**SEA 361 ECONOMIC DEVELOPMENT (MISHLER R)** Makes certain amendments to the Hoosier business investment tax credit, the economic development for a growing economy tax credit, the headquarters relocation tax credit, and the redevelopment tax credit. Adds veteran owned businesses to the list of businesses that would qualify for an enhanced venture capital tax credit. Limits the total amount of credits that the Indiana economic development corporation (IEDC) may award for a calendar year for all taxpayers for all applicable tax credits to \$300,000,000. Specifies the procedure by which the IEDC may designate an area as an innovation development district (district). Requires the IEDC to enter into an agreement with the executive of a city, town, or county, or, if applicable, executives, with territory located in the district establishing the terms and conditions governing certain districts. Requires the IEDC to establish a local innovation development district fund for each district. Provides that money in a local innovation development district fund is continuously appropriated for the uses of the fund. Authorizes a county, city, or town to establish a workforce retention and recruitment program and fund (fund) for the purposes of recruiting and retaining individuals who will satisfy the current and future workforce needs of the unit's employers or provide substantial economic impact to the unit, including providing incentives in the form of grants or loans to qualified workers. Authorizes the unit to transfer money into the fund from other sources. Provides that the executive of the unit shall administer the fund in coordination with a workforce fund board of managers appointed by the executive of the unit. Provides that the IEDC may award a tax credit for media production expenses for certain media productions in Indiana.

Provides for the augmentation of the amount appropriated to the IEDC in an amount not to exceed \$300,000,000 for the purposes of business promotion and innovation. Specifies that funds appropriated to the IEDC for the purposes of business promotion and innovation do not revert to the state general fund. Requires the IEDC to identify state laws and regulations that burden existing businesses or inhibit creation of new businesses and provide a report with recommendations to the general assembly and budget committee. Makes conforming changes.

**Current Status:** 3/15/2022 - **Public Law 135**

**Comments:** SECTIONS 29-30: effective 3/15/2022; SECTIONS 1-9, 11-28: effective 7/1/2022; SECTION 10: effective 1/1/2023

Note: SECTION 28 of the public law creates a new program titled "Innovative Development Districts" and allows not less than 12% of the aggregate percentage of annual incremental property tax revenue to be transferred to local governments, including school corporations. This appears to be another form of TIF for ISBA and K-12 education associations to monitor for its potential fiscal impact.

*To review the full text of each of the above acts, go to the Indiana General Assembly website at <http://iga.in.gov/legislative/2022/bills/>.*