



Reprinted  
February 21, 2019

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## HOUSE BILL No. 1089

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DIGEST OF HB 1089 (Updated February 20, 2019 2:12 pm - DI 116)

**Citations Affected:** IC 12-17.2; IC 20-26; IC 20-34.

**Synopsis:** Education matters. Provides that if a child care center is located in a charter school, a nonpublic school that has at least one employee, or a school operated by a school corporation, the child care center may satisfy the requirements for criminal history background checks by obtaining an expanded criminal history check that is required for schools. Establishes the child protection advisory committee to study issues relating to expanded child protection index checks and to make recommendations to the department of child services to improve the practices related to and the quality of expanded child protection index checks. Provides that a school corporation shall accept a transferring student who does not have legal settlement in the school corporation and who has a parent who is a current employee of the transferee school corporation with an annual salary of at least \$8,000. (Under current law, a school corporation shall accept a transferring  
(Continued next page)

**Effective:** Upon passage; July 1, 2019.

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### Thompson

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January 3, 2019, read first time and referred to Committee on Education.  
February 18, 2019, amended, reported — Do Pass.  
February 20, 2019, read second time, amended, ordered engrossed.

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HB 1089—LS 6338/DI 116



## Digest Continued

student who does not have legal settlement in the school corporation and who has a parent who is a current employee of the transferee school corporation.) Provides that a governing body (or the equivalent) of a school corporation, charter school, or nonpublic school with at least one employee shall, if notified by the student's parent in writing that the student has been diagnosed with a seizure disorder, require the school's nurse or the school's designee and the student's teacher of record to meet certain training requirements to treat seizure disorder symptoms. Provides that a teacher may voluntarily participate in the training. Provides that a teacher that obtains the training shall receive one credit (or the equivalent) of professional development training. Provides that a parent of a student diagnosed with a seizure disorder by the student's prescribing provider who notifies the school may collaborate with school personnel to establish a plan for the student. Provides that, as part of the plan, the student's parent may authorize the school's nurse or the school's designee or the student's teacher of record to administer a seizure rescue medication or medication prescribed by the student's physician to treat seizure disorder symptoms.

**HB 1089—LS 6338/DI 116**



Reprinted  
February 21, 2019

First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

## HOUSE BILL No. 1089

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

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

- 1 SECTION 1. IC 12-17.2-2-1, AS AMENDED BY P.L.53-2018,  
2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2019]: Sec. 1. **(a)** The division shall perform the following  
4 duties:  
5 (1) Administer the licensing and monitoring of child care centers  
6 or child care homes in accordance with this article.  
7 (2) **Except as provided in subsection (b)**, ensure that a national  
8 criminal history background check of the following is completed  
9 through the state police department under IC 10-13-3-39 before  
10 issuing a license:  
11 (A) An applicant for a license.  
12 (B) An employee or volunteer of an applicant who has direct  
13 contact with a child who is receiving child care from the  
14 applicant.  
15 (C) If an applicant is applying for a license to operate a child

HB 1089—LS 6338/DI 116



- 1 care home, the following:
- 2 (i) The applicant's spouse.
- 3 (ii) The applicant's household members who are at least
- 4 eighteen (18) years of age or who are less than eighteen (18)
- 5 years of age but have previously been waived from juvenile
- 6 court to adult court.
- 7 (3) Ensure that a national criminal history background check of
- 8 the following is completed through the state police department
- 9 under IC 10-13-3-39 before registering a child care ministry:
- 10 (A) An applicant for a child care ministry registration.
- 11 (B) An employee or volunteer of an applicant who has direct
- 12 contact with a child who is receiving child care from the
- 13 applicant.
- 14 (4) Provide for the issuance, denial, suspension, and revocation of
- 15 licenses.
- 16 (5) Cooperate with governing bodies of child care centers and
- 17 child care homes and their staffs to improve standards of child
- 18 care.
- 19 (6) Prepare at least biannually a directory of licensees with a
- 20 description of the program capacity and type of children served
- 21 that will be distributed to the legislature, licensees, and other
- 22 interested parties as a public document.
- 23 (7) Deposit all license application fees collected under section 2
- 24 of this chapter in the division of family resources child care fund
- 25 established by section 3 of this chapter.
- 26 (8) Require each child care center or child care home to record
- 27 proof of a child's date of birth before accepting the child. A child's
- 28 date of birth may be proven by the child's original birth certificate
- 29 or other reliable proof of the child's date of birth, including a duly
- 30 attested transcript of a birth certificate.
- 31 (9) Provide an Internet site through which members of the public
- 32 may obtain the following information:
- 33 (A) Information concerning violations of this article by a
- 34 licensed child care provider, including:
- 35 (i) the identity of the child care provider;
- 36 (ii) the date of the violation; and
- 37 (iii) action taken by the division in response to the violation.
- 38 (B) Current status of a child care provider's license.
- 39 (C) Other relevant information.
- 40 The Internet site may not contain the address of a child care home
- 41 or information identifying an individual child. However, the site
- 42 may include the county and ZIP code in which a child care home



- 1 is located.
- 2 (10) Provide or approve training concerning safe sleeping
- 3 practices for children to:
- 4 (A) a provider who operates a child care program in the
- 5 provider's home as described in IC 12-17.2-3.5-12.5;
- 6 (B) a child care home licensed under IC 12-17.2-5;
- 7 (C) a child care center licensed under IC 12-17.2-4; and
- 8 (D) a child care ministry registered under IC 12-17.2-6;
- 9 including practices to reduce the risk of sudden infant death
- 10 syndrome.
- 11 **(b) If a child care center is located in a charter school, a**
- 12 **nonpublic school that has at least one (1) employee, or a school**
- 13 **operated by a school corporation, the child care center may satisfy**
- 14 **the requirements described in subsection (a)(2) by fulfilling the**
- 15 **components of an expanded criminal history check under**
- 16 **IC 20-26-2-1.5.**
- 17 SECTION 2. IC 12-17.2-3.5-12.5, AS ADDED BY P.L.53-2018,
- 18 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 19 JULY 1, 2019]: Sec. 12.5. (a) A provider that cares for children who
- 20 are less than twelve (12) months of age shall:
- 21 (1) complete the training course provided or approved by the
- 22 division under ~~IC 12-17.2-2-1(10)~~ **IC 12-17.2-2-1(a)(10)**
- 23 concerning safe sleeping practices; and
- 24 (2) ensure that all caregivers of children who are less than twelve
- 25 (12) months of age follow safe sleeping practices.
- 26 (b) If a provider violates subsection (a), the division may do the
- 27 following with respect to each violation determined during an
- 28 inspection of the facility where the provider operates a child care
- 29 program:
- 30 (1) On the first inspection during which a violation is determined
- 31 during a licensure period, issue a formal warning letter stating the
- 32 division's intent to take administrative action and impose a civil
- 33 penalty for any future violation.
- 34 (2) On the second inspection during which a violation is
- 35 determined during a licensure period, impose a civil penalty of
- 36 fifty dollars (\$50) for each violation determined during the
- 37 inspection.
- 38 (3) On the third inspection during which a violation is determined
- 39 during a licensure period, impose a civil penalty of seventy-five
- 40 dollars (\$75) for each violation determined during the inspection.
- 41 (4) On the fourth inspection during which a violation is
- 42 determined during a licensure period:



- 1 (A) decertify the provider for not more than six (6) months;  
 2 and  
 3 (B) impose a civil penalty of one hundred dollars (\$100) for  
 4 each violation determined during the inspection.  
 5 (5) On the fifth inspection during which a violation is determined  
 6 during a licensure period:  
 7 (A) decertify the provider for one (1) year; and  
 8 (B) impose a civil penalty of two hundred fifty dollars (\$250)  
 9 for each violation determined during the inspection.  
 10 (c) The division shall send to the provider written notice:  
 11 (1) of an action taken under subsection (b), specifying the reason  
 12 for the action and amount of any monetary civil penalty; and  
 13 (2) that failure to pay any monetary civil penalty may result in  
 14 decertification of the provider for not more than two (2) years.  
 15 (d) The division shall deposit all civil penalties collected under this  
 16 section in the division of family resources child care fund established  
 17 by IC 12-17.2-2-3.  
 18 (e) In addition to the actions described in subsection (b), the  
 19 division may seek further disciplinary action provided for under this  
 20 article, as determined by the director.  
 21 SECTION 3. IC 12-17.2-4-4.1, AS ADDED BY P.L.53-2018,  
 22 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 23 JULY 1, 2019]: Sec. 4.1. (a) A licensee that cares for children who are  
 24 less than twelve (12) months of age shall:  
 25 (1) complete the training course provided or approved by the  
 26 division under ~~IC 12-17.2-2-1(10)~~ **IC 12-17.2-2-1(a)(10)**  
 27 concerning safe sleeping practices; and  
 28 (2) ensure that all caregivers of children who are less than twelve  
 29 (12) months of age follow safe sleeping practices.  
 30 (b) If a licensee violates subsection (a), the division may do the  
 31 following with respect to each violation determined during an  
 32 inspection of the child care center:  
 33 (1) On the first inspection during which a violation is determined  
 34 during a licensure period, issue a formal warning letter stating the  
 35 division's intent to take administrative action and impose a civil  
 36 penalty for any future violation.  
 37 (2) On the second inspection during which a violation is  
 38 determined during a licensure period, impose a civil penalty of  
 39 fifty dollars (\$50) for each violation determined during the  
 40 inspection.  
 41 (3) On the third inspection during which a violation is determined  
 42 during a licensure period, impose a civil penalty of seventy-five



- 1 dollars (\$75) for each violation determined during the inspection.  
 2 (4) On the fourth inspection during which a violation is  
 3 determined during a licensure period:  
 4 (A) place the child care center's license on probation for not  
 5 more than six (6) months; and  
 6 (B) impose a civil penalty of one hundred dollars (\$100) for  
 7 each violation determined during the inspection.  
 8 (5) On the fifth inspection during which a violation is determined  
 9 during a licensure period:  
 10 (A) suspend or revoke the child care center's license for one  
 11 (1) year; and  
 12 (B) impose a civil penalty of two hundred fifty dollars (\$250)  
 13 for each violation determined during the inspection.  
 14 (c) The division shall send to the licensee written notice:  
 15 (1) of an action taken under subsection (b), specifying the reason  
 16 for the action and amount of any monetary civil penalty; and  
 17 (2) that failure to pay any monetary civil penalty may result in  
 18 revocation of the child care center's license for not more than two  
 19 (2) years.  
 20 (d) The division shall deposit all civil penalties collected under this  
 21 section in the division of family resources child care fund established  
 22 by IC 12-17.2-2-3.  
 23 (e) In addition to the actions described in subsection (b), the  
 24 division may seek further disciplinary action provided for under this  
 25 article, as determined by the director.  
 26 SECTION 4. IC 12-17.2-5-3.7, AS ADDED BY P.L.53-2018,  
 27 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 28 JULY 1, 2019]: Sec. 3.7. (a) A licensee that cares for children who are  
 29 less than twelve (12) months of age shall:  
 30 (1) complete the training course provided or approved by the  
 31 division under ~~IC 12-17.2-2-1(10)~~ **IC 12-17.2-2-1(a)(10)**  
 32 concerning safe sleeping practices as required by section 6.3(a)(3)  
 33 or 6.5(a)(9) of this chapter, whichever is applicable; and  
 34 (2) ensure that all caregivers of children who are less than twelve  
 35 (12) months of age follow safe sleeping practices.  
 36 (b) If a licensee violates subsection (a), the division may do the  
 37 following with respect to each violation determined during an  
 38 inspection of the child care home:  
 39 (1) On the first inspection during which a violation is determined  
 40 during a licensure period, issue a formal warning letter stating the  
 41 division's intent to take administrative action and impose a civil  
 42 penalty for any future violation.



- 1 (2) On the second inspection during which a violation is  
 2 determined during a licensure period, impose a civil penalty of  
 3 fifty dollars (\$50) for each violation determined during the  
 4 inspection.
- 5 (3) On the third inspection during which a violation is determined  
 6 during a licensure period, impose a civil penalty of seventy-five  
 7 dollars (\$75) for each violation determined during the inspection.
- 8 (4) On the fourth inspection during which a violation is  
 9 determined during a licensure period:
- 10 (A) place the child care home's license on probation for not  
 11 more than six (6) months; and
- 12 (B) impose a civil penalty of one hundred dollars (\$100) for  
 13 each violation determined during the inspection.
- 14 (5) On the fifth inspection during which a violation is determined  
 15 during a licensure period:
- 16 (A) suspend or revoke the child care home's license for one (1)  
 17 year; and
- 18 (B) impose a civil penalty of two hundred fifty dollars (\$250)  
 19 for each violation determined during the inspection.
- 20 (c) The division shall send to the licensee written notice:
- 21 (1) of an action taken under subsection (b), specifying the reason  
 22 for the action and amount of any monetary civil penalty; and
- 23 (2) that failure to pay any monetary civil penalty may result in  
 24 revocation of the child care home's license for not more than two  
 25 (2) years.
- 26 (d) The division shall deposit all civil penalties collected under this  
 27 section in the division of family resources child care fund established  
 28 by IC 12-17.2-2-3.
- 29 (e) In addition to the actions described in subsection (b), the  
 30 division may seek further disciplinary action provided for under this  
 31 article, as determined by the director.
- 32 SECTION 5. IC 12-17.2-5-6.3, AS AMENDED BY P.L.162-2005,  
 33 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 34 JULY 1, 2019]: Sec. 6.3. (a) To qualify for a license to operate a class  
 35 I child care home under this chapter, a person must do the following:
- 36 (1) Provide documentation to the division that the licensee has  
 37 received a high school diploma or a high school equivalency  
 38 certificate as described in IC 12-14-5-2.
- 39 (2) Provide documentation to the division that the licensee:
- 40 (A) has completed;
- 41 (B) is enrolled in; or
- 42 (C) agrees to complete within the next three (3) years;





- 1 a child development associate credential program or a similar  
 2 program approved by the division.
- 3 (3) Complete the training course taught or approved by the  
 4 division concerning safe sleeping practices for a child within the  
 5 person's care as described in ~~IC 12-17.2-2-1(10)~~.  
 6 **IC 12-17.2-2-1(a)(10).**
- 7 The division may grant a waiver or variance of the requirement under  
 8 subdivision (2).
- 9 (b) A class I child care home may serve a school age child during a  
 10 break in the school year that exceeds four (4) weeks if the following  
 11 conditions are met:
- 12 (1) The school age child:  
 13 (A) was in the home part time during the four (4) months  
 14 preceding the break; or  
 15 (B) has a sibling attending the child care home.
- 16 (2) The child care home meets the following requirements:  
 17 (A) Provides at least thirty-five (35) square feet for each child.  
 18 (B) Maintains the child to staff ratio required under rules  
 19 adopted by the division for each age group of children in  
 20 attendance.  
 21 (C) Provides age appropriate toys, games, equipment, and  
 22 activities for each age group of children enrolled.  
 23 (D) If the licensee does not reside in the child care home, the  
 24 child care home has:  
 25 (i) at least two (2) exits that comply with the exit  
 26 requirements for an E-3 building occupancy classification  
 27 under the Indiana building code adopted by the fire  
 28 prevention and building safety commission; and  
 29 (ii) an illuminated exit sign over each required exit or  
 30 emergency lighting for each required exit.
- 31 (3) The licensee for the child care home has maintained a class I  
 32 child care home license for at least twelve (12) children:  
 33 (A) for at least one (1) year; and  
 34 (B) without any citations for noncompliance.
- 35 SECTION 6. IC 12-17.2-5-6.5, AS AMENDED BY P.L.145-2006,  
 36 SECTION 101, IS AMENDED TO READ AS FOLLOWS  
 37 [EFFECTIVE JULY 1, 2019]: Sec. 6.5. (a) To qualify for a license to  
 38 operate a class II child care home under this chapter, a person must do  
 39 the following:  
 40 (1) Provide all child care services on the first story of the child  
 41 care home unless the class II child care home meets the  
 42 exceptions to the first story requirements contained in the Indiana



- 1 building code adopted by the fire prevention and building safety  
 2 commission in effect at the time the class II child care home  
 3 provider applies for licensure.
- 4 (2) Provide a smoke detection system that is:  
 5 (A) hard wired to the building's electrical system; and  
 6 (B) wired in a manner that activates all of the detector devices  
 7 in the building when one (1) detector device is activated.
- 8 (3) Provide a fire extinguisher in each room that is used to  
 9 provide child care services.
- 10 (4) Meet:  
 11 (A) the exit requirements for an E-3 building occupancy  
 12 classification under the Indiana building code adopted by the  
 13 fire prevention and building safety commission, except for any  
 14 illumination requirements, in effect at the time the class II  
 15 child care home provider initially applies for licensure; and  
 16 (B) the illumination requirements established in section  
 17 6.3(b)(2)(D) of this chapter.
- 18 (5) Provide a minimum of thirty-five (35) square feet for each  
 19 child.
- 20 (6) Conduct fire drills required under article 37 of the Indiana fire  
 21 prevention code adopted by the fire prevention and building  
 22 safety commission in effect at the time the class II child care  
 23 home provider applies for licensure.
- 24 (7) Apply for a license before July 1, 1996, or after June 30, 2001.
- 25 (8) Comply with rules adopted by the division of family resources  
 26 for class II child care homes.
- 27 (9) Complete the training course taught or approved by the  
 28 division concerning safe sleeping practices for a child within the  
 29 person's care as described in ~~IC 12-17.2-2-1(10)~~.  
 30 **IC 12-17.2-2-1(a)(10).**
- 31 (b) To qualify for a license to operate a class II child care home  
 32 under this chapter, a person, before applying for the license, must have:  
 33 (1) a class I child care home license; or  
 34 (2) at least one (1) year of experience as a caregiver in a child  
 35 care home or child care center.
- 36 SECTION 7. IC 12-17.2-6-14.1, AS ADDED BY P.L.53-2018,  
 37 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 38 JULY 1, 2019]: Sec. 14.1. (a) The operator of a child care ministry that  
 39 cares for children who are less than twelve (12) months of age shall:  
 40 (1) complete the training course provided or approved by the  
 41 division under ~~IC 12-17.2-2-1(10)~~ **IC 12-17.2-2-1(a)(10)**  
 42 concerning safe sleeping practices; and



- 1 (2) ensure that all caregivers of children who are less than twelve  
 2 (12) months of age follow safe sleeping practices.
- 3 (b) If an operator of a child care ministry violates subsection (a), the  
 4 division may do the following with respect to each violation  
 5 determined during an inspection of the child care ministry:
- 6 (1) On the first inspection during which a violation is determined  
 7 during a registration period, issue a formal warning letter stating  
 8 the division's intent to take administrative action and impose a  
 9 civil penalty for any future violation.
- 10 (2) On the second inspection during which a violation is  
 11 determined during a registration period, impose a civil penalty of  
 12 fifty dollars (\$50) for each violation determined during the  
 13 inspection.
- 14 (3) On the third inspection during which a violation is determined  
 15 during a registration period, impose a civil penalty of seventy-five  
 16 dollars (\$75) for each violation determined during the inspection.
- 17 (4) On the fourth inspection during which a violation is  
 18 determined during a registration period:
- 19 (A) suspend the child care ministry's registration for not more  
 20 than six (6) months; and
- 21 (B) impose a civil penalty of one hundred dollars (\$100) for  
 22 each violation determined during the inspection.
- 23 (5) On the fifth inspection during which a violation is determined  
 24 during a registration period:
- 25 (A) suspend or revoke the child care ministry's registration for  
 26 one (1) year; and
- 27 (B) impose a civil penalty of two hundred fifty dollars (\$250)  
 28 for each violation determined during the inspection.
- 29 (c) The division shall send to the operator of a child care ministry  
 30 written notice:
- 31 (1) of an action taken under subsection (b), specifying the reason  
 32 for the action and amount of any monetary civil penalty; and
- 33 (2) that failure to pay any monetary civil penalty may result in  
 34 revocation of the child care ministry's registration for not more  
 35 than two (2) years.
- 36 (d) The division shall deposit all civil penalties collected under this  
 37 section in the division of family resources child care fund established  
 38 by IC 12-17.2-2-3.
- 39 (e) In addition to the actions described in subsection (b), the  
 40 division may seek further disciplinary action provided for under this  
 41 article, as determined by the director.
- 42 SECTION 8. IC 20-26-5-10.1 IS ADDED TO THE INDIANA



1 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 2 [EFFECTIVE JULY 1, 2019]: **Sec. 10.1. (a)** As used in this section,  
 3 "advisory committee" refers to the child protection advisory  
 4 committee established by subsection (b).

5 (b) The child protection advisory committee is established to  
 6 study issues relating to expanded child protection index checks and  
 7 to make recommendations to the department of child services to  
 8 improve the practices related to and the quality of expanded child  
 9 protection index checks. The advisory committee shall submit its  
 10 recommendations to the department of child services and shall  
 11 provide an annual report of those recommendations to the  
 12 governor and, in an electronic format under IC 5-14-6, to the  
 13 general assembly not later than December 1, 2019, and December  
 14 1 each year thereafter.

15 (c) The advisory committee consists of the following six (6)  
 16 members:

17 (1) The state superintendent shall appoint two (2) employees  
 18 of the department.

19 (2) The director of the department of child services shall  
 20 appoint two (2) employees of the department of child services.

21 (3) The governor shall appoint two (2) members, each of  
 22 whom represents a separate consumer reporting agency:

23 (A) regulated under 15 U.S.C. 1681 et seq.; and

24 (B) that provides expanded child protection index reports  
 25 for at least five percent (5%) of the:

26 (i) school corporations;

27 (ii) charter schools; and

28 (iii) nonpublic schools that have at least one (1)  
 29 employee;

30 that are located in Indiana.

31 (d) Each member appointed under subsection (c) serves at the  
 32 will of the member's appointing authority. The state  
 33 superintendent shall appoint one (1) of the members appointed  
 34 under subsection (c)(1) to serve as chairperson.

35 (e) A quorum of the advisory committee consists of four (4)  
 36 members. The affirmative vote of at least four (4) members of the  
 37 advisory committee is necessary for any action to be taken by the  
 38 advisory committee.

39 (f) The advisory committee shall meet at the call of the  
 40 chairperson and at least semiannually.

41 (g) The department shall provide administrative support for the  
 42 advisory committee. Upon request, the department of child services



1 shall provide research, data, and technical assistance for the  
2 advisory committee.

3 SECTION 9. IC 20-26-11-6.5, AS AMENDED BY P.L.250-2017,  
4 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5 JULY 1, 2019]: Sec. 6.5. (a) Notwithstanding this chapter, a school  
6 corporation shall accept a transferring student who does not have legal  
7 settlement in the school corporation and who has a parent who is a  
8 current employee of the transferee school corporation:

9 (1) with an annual salary of at least eight thousand dollars  
10 (\$8,000); and

11 (2) who resides in Indiana;

12 if the transferee school corporation has the capacity to accept the  
13 student.

14 (b) If the number of students who request to transfer to a transferee  
15 school corporation under this section causes the school corporation to  
16 exceed the school corporation's maximum student capacity, the  
17 governing body shall determine which students will be admitted as  
18 transfer students by random drawing in a public meeting. However, the  
19 governing body of a school corporation located in a county with a  
20 consolidated city shall determine which students will be admitted by  
21 using a publicly verifiable random selection process.

22 SECTION 10. IC 20-34-10 IS ADDED TO THE INDIANA CODE  
23 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
24 UPON PASSAGE]:

25 **Chapter 10. Seizure Safe Schools**

26 **Sec. 1. As used in this chapter, "seizure action plan" means a**  
27 **written, individualized health plan established under section 3 of**  
28 **this chapter that is designed to acknowledge and prepare for the**  
29 **health care needs of a student diagnosed with a seizure disorder by**  
30 **a physician.**

31 **Sec. 2. (a) A governing body (or the equivalent) of a school**  
32 **corporation, charter school, or nonpublic school with at least one**  
33 **(1) employee shall, if notified by a student's parent in writing on a**  
34 **form prescribed by the department that the student has been**  
35 **diagnosed with a seizure disorder, require the school nurse or the**  
36 **school's designee and the student's teacher of record to meet the**  
37 **training requirements under this section to treat seizure disorder**  
38 **symptoms for a student who has a seizure action plan under section**  
39 **3 of this chapter. In addition, any other teacher may voluntarily**  
40 **participate in the training requirements described in this section.**  
41 **A teacher who meets the training requirements in this section shall**  
42 **receive one (1) credit, or the equivalent, for professional**



1 development training as part of the teacher's professional growth  
 2 plan each year the teacher completes the training requirements  
 3 under this section.

4 (b) An employee who receives training under subsection (a)  
 5 shall obtain instruction, in a manner prescribed by the department,  
 6 regarding the:

7 (1) administration of seizure medications; and

8 (2) recognition of the signs and symptoms of seizures and the  
 9 appropriate steps to be taken to respond to these symptoms.

10 The training requirements prescribed by the department must be  
 11 consistent with training programs and guidelines developed by the  
 12 Epilepsy Foundation of America or a successor organization.

13 Sec. 3. (a) A parent of a student diagnosed with a seizure  
 14 disorder by the student's physician who notifies the school under  
 15 section 2 of this chapter may collaborate with school personnel to  
 16 establish a seizure action plan for the student. The seizure action  
 17 plan shall be kept on file in either the office of the school nurse (as  
 18 defined in IC 20-34-4.5-0.8) or school administrator and copies  
 19 provided to each teacher responsible for supervision or care of the  
 20 student.

21 (b) As part of the seizure action plan established under  
 22 subsection (a), the student's parent may authorize the school nurse  
 23 or the school's designee or the student's teacher of record who has  
 24 received training under section 2 of this chapter to administer a  
 25 seizure rescue medication or medication prescribed by the  
 26 student's prescribing provider to treat seizure disorder symptoms.  
 27 The medication must be a seizure rescue medication or medication  
 28 prescribed to treat seizure disorder symptoms approved by the  
 29 federal Food and Drug Administration or a successor agency. The  
 30 authorization required under this subsection shall include the  
 31 following information:

32 (1) The student's name.

33 (2) The name and purpose of the medication to be  
 34 administered to the student.

35 (3) The prescribed dosage of the medication.

36 (4) The route of administration of the medication.

37 (5) The frequency at which the medication may be  
 38 administered.

39 (6) The circumstances under which the medication may be  
 40 administered to the student.

41 The authorization provided by the parent under this subsection  
 42 shall be effective for the school year in which the authorization is



1       **made and shall be renewed each school year.**

2           **(c) The parent that authorizes the administration of medication**  
3       **under subsection (b) shall provide the prescribed medication to the**  
4       **school in the medication's unopened, sealed package with the label**  
5       **affixed by the dispensing pharmacy intact.**

6           **(d) The state board shall adopt rules under IC 4-22-2 necessary**  
7       **to administer this section.**

8           **SECTION 11. An emergency is declared for this act.**



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1089, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 11, delete lines 22 through 42, begin a new paragraph and insert:

"SECTION 12. IC 20-34-10 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

**Chapter 10. Seizure Safe Schools**

**Sec. 1. As used in this chapter, "seizure action plan" means a written, individualized health plan established under section 3 of this chapter that is designed to acknowledge and prepare for the health care needs of a student diagnosed with a seizure disorder by a physician.**

**Sec. 2. (a) A governing body (or the equivalent) of a school corporation, charter school, or nonpublic school with at least one (1) employee shall, if notified by a student's parent in writing on a form prescribed by the department that the student has been diagnosed with a seizure disorder, designate at least one (1) employee at the school the student attends who has met the training requirements under this section to treat seizure disorder symptoms for a student who has a seizure action plan under section 3 of this chapter.**

**(b) An employee designated under subsection (a) shall obtain training, in a manner prescribed by the department, regarding the:**

**(1) administration of seizure medications; and**

**(2) recognition of the signs and symptoms of seizures and the appropriate steps to be taken to respond to these symptoms.**

**The training requirements prescribed by the department must be consistent with training programs and guidelines developed by the Epilepsy Foundation of America or a successor organization.**

**Sec. 3. (a) A parent of a student diagnosed with a seizure disorder by the student's physician who notifies the school under section 2 of this chapter may collaborate with school personnel to establish a seizure action plan for the student. The seizure action plan shall be kept on file in either the office of the school nurse (as defined in IC 20-34-4.5-0.8) or school administrator and copies provided to each teacher responsible for supervision or care of the student.**

**(b) As part of the seizure action plan established under**





subsection (a), the student's parent may authorize the employee designated under section 2 of this chapter to administer a seizure rescue medication or medication prescribed by the student's physician to treat seizure disorder symptoms. The medication must be a seizure rescue medication or medication prescribed to treat seizure disorder symptoms approved by the federal Food and Drug Administration or a successor agency. The authorization required under this subsection shall include the following information:

- (1) The student's name.
- (2) The name and purpose of the medication to be administered to the student.
- (3) The prescribed dosage of the medication.
- (4) The route of administration of the medication.
- (5) The frequency at which the medication may be administered.
- (6) The circumstances under which the medication may be administered to the student.

The authorization provided by the parent under this subsection shall be effective for the school year in which the authorization is made and shall be renewed each school year.

(c) The parent that authorizes the administration of medication under subsection (b) shall provide the prescribed medication to the school in the medication's unopened, sealed package with the label affixed by the dispensing pharmacy intact.

(d) The state board shall adopt rules under IC 4-22-2 necessary to administer this section."

SECTION 14. An emergency is declared for this act."

Delete pages 12 through 13.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1089 as introduced.)

BEHNING

Committee Vote: yeas 9, nays 0.



HOUSE MOTION

Mr. Speaker: I move that House Bill 1089 be amended to read as follows:

Page 12, line 18, delete "physician" and insert "**prescribing provider**".

(Reference is to HB 1089 as printed February 18, 2019.)

THOMPSON

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1089 be amended to read as follows:

Page 11, delete lines 31 through 41, begin a new paragraph and insert:

**"Sec. 2. (a) A governing body (or the equivalent) of a school corporation, charter school, or nonpublic school with at least one (1) employee shall, if notified by a student's parent in writing on a form prescribed by the department that the student has been diagnosed with a seizure disorder, require the school nurse or the school's designee and the student's teacher of record to meet the training requirements under this section to treat seizure disorder symptoms for a student who has a seizure action plan under section 3 of this chapter. In addition, any other teacher may voluntarily participate in the training requirements described in this section. A teacher who meets the training requirements in this section shall receive one (1) credit, or the equivalent, for professional development training as part of the teacher's professional growth plan each year the teacher completes the training requirements under this section.**

**(b) An employee who receives training under subsection (a) shall obtain instruction, in a manner prescribed by the department, regarding the:".**



Page 12, line 15, delete "employee" and insert "**school nurse or the school's designee or the student's teacher of record who has received training under section 2 of this chapter**".

Page 12, line 16, delete "designated under section 2 of this chapter".

(Reference is to HB 1089 as printed February 18, 2019.)

PFAFF

