



Reprinted
April 5, 2019

ENGROSSED HOUSE BILL No. 1089

DIGEST OF HB 1089 (Updated April 4, 2019 3:17 pm - DI 110)

Citations Affected: IC 12-17.2; IC 20-26; IC 20-28; 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
(Continued next page)

Effective: July 1, 2019; July 1, 2020.

Thompson

(SENATE SPONSORS — RAATZ, KRUSE, RANDOLPH LONNIE M)

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.
February 21, 2019, engrossed. Read third time, passed. Yeas 98, nays 0.

SENATE ACTION

March 7, 2019, read first time and referred to Committee on Education and Career Development.
March 21, 2019, amended, reported favorably — Do Pass.
April 4, 2019, read second time, amended, ordered engrossed.

EH 1089—LS 6338/DI 116



Digest Continued

checks by obtaining an expanded criminal history check that is required for schools. 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 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 each school corporation and charter school shall require certain applicants for employment and school employees to attend training concerning recognition of the signs and symptoms of seizures and the appropriate steps to be taken to respond to these symptoms. Provides that, if a school corporation or charter school receives a seizure management and treatment plan for a student that was developed by the student's health care provider, certain requirements must be met by the school corporation or charter school and the school nurse or school nurse's designee. Requires the department of education to identify resources to assist public schools in implementing individual health plans for students with seizure disorders.

EH 1089—LS 6338/DI 116



Reprinted
April 5, 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.

ENGROSSED HOUSE BILL No. 1089

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

EH 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 20-26-11-6.5, AS AMENDED BY P.L.250-2017,



1 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2019]: Sec. 6.5. (a) Notwithstanding this chapter, a school
3 corporation shall accept a transferring student who does not have legal
4 settlement in the school corporation and who has a parent who is a
5 current employee of the transferee school corporation:

6 **(1) with an annual salary of at least eight thousand dollars**
7 **(\$8,000); and**

8 **(2) who resides in Indiana;**

9 if the transferee school corporation has the capacity to accept the
10 student.

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

19 SECTION 9. IC 20-28-3-9 IS ADDED TO THE INDIANA CODE
20 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
21 1, 2020]: Sec. 9. (a) **Each school corporation and charter school**
22 **shall require all applicants for employment who will have direct,**
23 **ongoing contact with children within the scope of the applicant's**
24 **employment to attend, before or not later than thirty (30) days**
25 **after the start date of the applicant's employment, training**
26 **concerning recognition of the signs and symptoms of seizures and**
27 **the appropriate steps to be taken to respond to these symptoms.**

28 (b) **Each school corporation and charter school shall require all**
29 **school employees who have direct, ongoing contact with children**
30 **within the scope of the employee's employment to attend the**
31 **training described in subsection (a) at least once every five (5)**
32 **years.**

33 (c) **The format of the training required under this section may**
34 **include:**

35 **(1) an in-person presentation;**

36 **(2) an electronic or technology based medium, including**
37 **self-review modules available on an online system;**

38 **(3) an individual program of study designated materials; or**

39 **(4) any other method approved by the governing body or**
40 **organizer of a charter school that is consistent with current**
41 **professional development standards.**

42 **(d) The training required under this section must be during the**



1 school employee's contracted day or at a time chosen by the
 2 employee.

3 (e) The training required under this section shall count toward
 4 the requirements for professional development required by the
 5 governing body of a school corporation or its equivalent for a
 6 charter school.

7 (f) The training requirements must be consistent with the
 8 training programs and guidelines developed by the Epilepsy
 9 Foundation of America or a successor organization.

10 SECTION 10. IC 20-34-3-26 IS ADDED TO THE INDIANA
 11 CODE AS A NEW SECTION TO READ AS FOLLOWS
 12 [EFFECTIVE JULY 1, 2020]: Sec. 26. (a) As used in this section,
 13 "school nurse" has the meaning set forth in IC 20-34-5-9.

14 (b) If a school corporation or charter school receives a seizure
 15 management and treatment plan for a student that was developed
 16 by the student's health care provider, the following requirements
 17 must be met:

18 (1) The school corporation or charter school shall maintain
 19 the seizure management and treatment plan on file at the
 20 school that the student attends.

21 (2) The school nurse for the school corporation or charter
 22 school shall develop an individual health plan for the student
 23 that applies to the student during the school day or while the
 24 student is participating in a school-sponsored activity.

25 (3) A school nurse, or the school nurse's designee, shall be
 26 available to perform the tasks necessary to implement the
 27 student's individual health plan during the school day or while
 28 the student is participating in a school-sponsored activity.

29 (c) The department shall identify resources, from nationally
 30 recognized organizations, such as the Epilepsy Foundation of
 31 America, the National Association of School Nurses, the Centers
 32 for Disease Control and Prevention, or a comparable organization,
 33 to assist public schools in implementing individual health plans for
 34 students with seizure disorders.



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.

EH 1089—LS 6338/DI 116



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

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

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred House Bill No. 1089, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 9, delete line 42.

Delete page 10.

Page 11, delete lines 1 through 2.

Page 11, line 23, delete "[EFFECTIVE" and insert "[EFFECTIVE JULY 1, 2009]:".

Page 11, delete line 24.

Page 13, delete line 8.

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1089 as reprinted February 21, 2019.)

RAATZ, Chairperson

Committee Vote: Yeas 10, Nays 0.



SENATE MOTION

Madam President: I move that Engrossed House Bill 1089 be amended to read as follows:

Replace the effective date in SECTION 9 with "[EFFECTIVE JULY 1, 2019]".

(Reference is to EHB 1089 as printed March 22, 2019.)

RAATZ

 SENATE MOTION

Madam President: I move that Engrossed House Bill 1089 be amended to read as follows:

Page 10, delete lines 19 through 42, begin a new paragraph and insert:

"SECTION 9. IC 20-28-3-9 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2020]: **Sec. 9. (a) Each school corporation and charter school shall require all applicants for employment who will have direct, ongoing contact with children within the scope of the applicant's employment to attend, before or not later than thirty (30) days after the start date of the applicant's employment, training concerning recognition of the signs and symptoms of seizures and the appropriate steps to be taken to respond to these symptoms.**

(b) Each school corporation and charter school shall require all school employees who have direct, ongoing contact with children within the scope of the employee's employment to attend the training described in subsection (a) at least once every five (5) years.

(c) The format of the training required under this section may include:

- (1) an in-person presentation;**
- (2) an electronic or technology based medium, including self-review modules available on an online system;**
- (3) an individual program of study designated materials; or**
- (4) any other method approved by the governing body or organizer of a charter school that is consistent with current professional development standards.**

(d) The training required under this section must be during the school employee's contracted day or at a time chosen by the

EH 1089—LS 6338/DI 116



employee.

(e) The training required under this section shall count toward the requirements for professional development required by the governing body of a school corporation or its equivalent for a charter school.

(f) The training requirements must be consistent with the training programs and guidelines developed by the Epilepsy Foundation of America or a successor organization.

SECTION 10. IC 20-34-3-26 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 26. (a) As used in this section, "school nurse" has the meaning set forth in IC 20-34-5-9.

(b) If a school corporation or charter school receives a seizure management and treatment plan for a student that was developed by the student's health care provider, the following requirements must be met:

(1) The school corporation or charter school shall maintain the seizure management and treatment plan on file at the school that the student attends.

(2) The school nurse for the school corporation or charter school shall develop an individual health plan for the student that applies to the student during the school day or while the student is participating in a school-sponsored activity.

(3) A school nurse, or the school nurse's designee, shall be available to perform the tasks necessary to implement the student's individual health plan during the school day or while the student is participating in a school-sponsored activity.

(c) The department shall identify resources, from nationally recognized organizations, such as the Epilepsy Foundation of America, the National Association of School Nurses, the Centers for Disease Control and Prevention, or a comparable organization, to assist public schools in implementing individual health plans for students with seizure disorders."

Delete pages 11 through 12.

(Reference is to EHB 1089 as printed March 22, 2019.)

RAATZ

