

CONFERENCE COMMITTEE REPORT DIGEST FOR EHB 1338

Citations Affected: IC 5-2-8-1; IC 5-2-8-2; IC 5-10-10-4; IC 20-25-4-22; IC 20-26-16; IC 20-28-5-3; IC 20-31-12; IC 20-33-11; IC 34-30-14-2.5.

Synopsis: School improvement awards; teacher licensing; teacher CPR training; school corporation police. Conference committee report for EHB 1338. Establishes additional criteria for determining a school's improvement or performance compared with the school's performance in previous years. Provides a graduated series of awards based on improvement or high performance. Requires training in cardiopulmonary resuscitation (CPR) and the Heimlich maneuver to obtain an initial license as a teacher. Establishes immunity from liability for an act or omission by a teacher who has obtained a license and been trained in CPR. Provides that the governing body of a school corporation (including a school city) may establish a school corporation police department that is staffed with police officers who have full police powers and whose survivors are eligible for death benefits. Requires school corporation police officers to have law enforcement academy education and pre-basic and basic training and to participate in local continuing education programs. Requires a school corporation police officer who was appointed before July 1, 2006, to complete the law enforcement academy education and basic training requirements not later than July 1, 2009. Imposes deadlines for school corporation police officers to begin law enforcement academy education and basic training requirements. Provides that a school corporation police department established before July 1, 2006, is considered a school corporation police department established under this legislation. Requires a student's parent to be notified by the school if the student is interrogated on school property by a law enforcement officer. **(This conference committee report: (1) removes provisions concerning the development and implementation of a pilot student diabetes management program from the bill, (2) adds provisions concerning a school corporation police department, (3) adds provisions concerning interrogation of students on school property.)**

Effective: Upon passage; July 1, 2006.

Adopted

Rejected

CONFERENCE COMMITTEE REPORT

MR. SPEAKER:

Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill No. 1338 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

- 1 Delete everything after the enacting clause and insert the following:
- 2 SECTION 1. IC 5-2-8-1 IS AMENDED TO READ AS FOLLOWS
- 3 [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) ~~As used~~ **The following**
- 4 **definitions apply** in this section:
- 5 (1) "Abuse" means:
- 6 (A) conduct that causes bodily injury (as defined in
- 7 IC 35-41-1-4) or damage to property; or
- 8 (B) a threat of conduct that would cause bodily injury (as defined
- 9 in IC 35-41-1-4) or damage to property.
- 10 (2) "County law enforcement agency" includes:
- 11 (A) university police officers appointed under IC 20-12-3.5; **and**
- 12 (B) **school corporation police officers appointed under**
- 13 **IC 20-26-16.**
- 14 (b) There is established in each county a county law enforcement
- 15 continuing education program. The program is funded by amounts
- 16 appropriated under IC 33-37-8-6.
- 17 (c) A county law enforcement agency receiving amounts based upon
- 18 claims for law enforcement continuing education funds under
- 19 IC 33-37-8-4 or IC 33-37-8-6 shall deposit each fee collected into the
- 20 county law enforcement continuing education fund.
- 21 (d) Distribution of money in the county law enforcement continuing
- 22 education fund shall be made to a county law enforcement agency
- 23 without the necessity of first obtaining an appropriation from the county

1 fiscal body.

2 (e) Money in excess of one hundred dollars (\$100) that is
3 unencumbered and remains in a county law enforcement continuing
4 education fund for at least one (1) entire calendar year from the date of
5 its deposit shall, at the end of a county's fiscal year, be deposited by the
6 county auditor in the law enforcement training fund established under
7 IC 5-2-1-13(b).

8 (f) To make a claim under IC 33-37-8-6, a law enforcement agency
9 shall submit to the fiscal body a verified statement of cause numbers for
10 fees collected that are attributable to the law enforcement efforts of that
11 agency.

12 (g) A law enforcement agency shall submit a claim for fees under this
13 section in the same county fiscal year in which the fees are collected
14 under IC 33-37-4.

15 (h) A county law enforcement agency program shall provide to each
16 law enforcement officer employed by the county and may provide to
17 each law enforcement officer employed by a city or town law
18 enforcement agency within the county continuing education concerning
19 the following:

20 (1) Duties of a law enforcement officer in enforcing restraining
21 orders, protective orders, temporary injunctions, and permanent
22 injunctions involving abuse.

23 (2) Guidelines for making felony and misdemeanor arrests in cases
24 involving abuse.

25 (3) Techniques for handling incidents of abuse that:

26 (A) minimize the likelihood of injury to the law enforcement
27 officer; and

28 (B) promote the safety of a victim.

29 (4) Information about the nature and extent of abuse.

30 (5) Information about the legal rights of and remedies available to
31 victims of abuse.

32 (6) How to document and collect evidence in an abuse case.

33 (7) The legal consequences of abuse.

34 (8) The impact on children of law enforcement intervention in
35 abuse cases.

36 (9) Services and facilities available to victims of abuse and abusers.

37 (10) Verification of restraining orders, protective orders, temporary
38 injunctions, and permanent injunctions.

39 (11) Policies concerning arrest or release of suspects in abuse
40 cases.

41 (12) Emergency assistance to victims of abuse and criminal justice
42 options for victims of abuse.

43 (13) Landlord-tenant concerns in abuse cases.

44 (14) The taking of an abused child into protective custody.

45 (15) Assessment of a situation in which a child may be seriously
46 endangered if the child is left in the child's home.

47 (16) Assessment of a situation involving an endangered adult (as
48 defined in IC 12-10-3-2).

49 (17) Response to a sudden, unexpected infant death.

50 (i) A county law enforcement agency may enter into an agreement
51 with other law enforcement agencies to provide the continuing

1 education required by this section and section 2(f) of this chapter.

2 SECTION 2. IC 5-2-8-2 IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) ~~As used~~ **The following**
4 **definitions apply** in this section:

5 (1) "Abuse" has the meaning set forth in section 1(a) of this
6 chapter.

7 (2) "City or town law enforcement agency" includes:

8 (A) university police officers appointed under IC 20-12-3.5; and

9 (B) **school corporation police officers appointed under**
10 **IC 20-26-16.**

11 (b) There is established in each city and in each town with a city or
12 town court a local law enforcement continuing education program. The
13 program is funded by amounts appropriated under IC 33-37-8-4 and
14 fees collected under IC 9-29-4-2, IC 9-29-11-1, and IC 35-47-2-3.

15 (c) A city or town law enforcement agency receiving amounts based
16 upon claims for law enforcement continuing education funds under
17 IC 33-37-8-4 or IC 33-37-8-6 shall deposit each fee collected into the
18 local law enforcement continuing education fund.

19 (d) Distribution of money in a local law enforcement continuing
20 education fund shall be made to a city or town law enforcement agency
21 without the necessity of first obtaining an appropriation from the fiscal
22 body of the city or town.

23 (e) To make a claim under IC 33-37-8-4, a law enforcement agency
24 shall submit to the fiscal body a verified statement of cause numbers for
25 fees collected that are attributable to the law enforcement efforts of that
26 agency.

27 (f) A city or town law enforcement agency shall provide to each law
28 enforcement officer employed by the city or town law enforcement
29 agency continuing education concerning the following:

30 (1) Duties of a law enforcement officer in enforcing restraining
31 orders, protective orders, temporary injunctions, and permanent
32 injunctions involving abuse.

33 (2) Guidelines for making felony and misdemeanor arrests in cases
34 involving abuse.

35 (3) Techniques for handling incidents of abuse that:

36 (A) minimize the likelihood of injury to the law enforcement
37 officer; and

38 (B) promote the safety of a victim.

39 (4) Information about the nature and extent of abuse.

40 (5) Information about the legal rights of and remedies available to
41 victims of abuse.

42 (6) How to document and collect evidence in an abuse case.

43 (7) The legal consequences of abuse.

44 (8) The impact on children of law enforcement intervention in
45 abuse cases.

46 (9) Services and facilities available to victims of abuse and abusers.

47 (10) Verification of restraining orders, protective orders, temporary
48 injunctions, and permanent injunctions.

49 (11) Policies concerning arrest or release of suspects in abuse
50 cases.

51 (12) Emergency assistance to victims of abuse and criminal justice

- 1 options for victims of abuse.
 2 (13) Landlord-tenant concerns in abuse cases.
 3 (14) The taking of an abused child into protective custody.
 4 (15) Assessment of a situation in which the child may be seriously
 5 endangered if the child is left in the child's home.
 6 (16) Assessment of a situation involving an endangered adult (as
 7 defined in IC 12-10-3-2).
 8 (17) Response to a sudden, unexpected infant death.
 9 (g) A city or town law enforcement agency may enter into an
 10 agreement with other county, city, or town law enforcement agencies
 11 to provide the continuing education required by this section and section
 12 1(h) of this chapter.

13 SECTION 3. IC 5-10-10-4, AS AMENDED BY P.L.10-2005,
 14 SECTION 1, AS AMENDED BY P.L.170-2005, SECTION 16, AND
 15 AS AMENDED BY P.L.227-2005, SECTION 3, IS CORRECTED
 16 AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 17 2006]: Sec. 4. As used in this chapter, "public safety officer" means any
 18 of the following:

- 19 (1) A state police officer.
 20 (2) A county sheriff.
 21 (3) A county police officer.
 22 (4) A correctional officer.
 23 (5) An excise police officer.
 24 (6) A county police reserve officer.
 25 (7) A city police reserve officer.
 26 (8) A conservation enforcement officer.
 27 (9) A town marshal.
 28 (10) A deputy town marshal.
 29 (11) A probation officer.
 30 (12) A state university, *college, or junior college* police officer
 31 appointed under IC 20-12-3.5.
 32 (13) *A police officer whose employer purchases coverage under*
 33 *section 4.5 of this chapter.*
 34 ~~(14)~~ (14) An emergency medical services provider (as defined in
 35 IC 16-41-10-1) who is:
 36 (A) employed by a political subdivision (as defined in
 37 IC 36-1-2-13); and
 38 (B) not eligible for a special death benefit under IC 36-8-6-20,
 39 IC 36-8-7-26, IC 36-8-7.5-22, or IC 36-8-8-20.
 40 ~~(15)~~ (15) A firefighter who is employed by the fire department of
 41 a state university.
 42 (16) *A firefighter whose employer purchases coverage under*
 43 *section 4.5 of this chapter.*
 44 ~~(17)~~ (17) *A member of a consolidated law enforcement department*
 45 *established under IC 36-3-1-5.1.*
 46 ~~(18)~~ (18) *A gaming agent of the Indiana gaming commission.*
 47 (19) **A school corporation police officer appointed under**
 48 **IC 20-26-16.**

49 SECTION 4. IC 20-25-4-22 IS ADDED TO THE INDIANA CODE
 50 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
 51 JULY 1, 2006]: **Sec. 22. The governing body of a school city may**

1 **establish a police department under IC 20-26-16.**

2 SECTION 5. IC 20-26-16 IS ADDED TO THE INDIANA CODE
3 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2006]:

5 **Chapter 16. School Corporation Police Departments**

6 **Sec. 1. This chapter applies to a school corporation, including a**
7 **school city (as defined in IC 20-25-2-12).**

8 **Sec. 2. The governing body of a school corporation may establish**
9 **a school corporation police department under this chapter.**

10 **Sec. 3. The governing body of a school corporation shall do the**
11 **following for the school corporation police department:**

- 12 (1) **Appoint school corporation police officers.**
13 (2) **Prescribe the duties and direct the conduct of school**
14 **corporation police officers.**
15 (3) **Prescribe distinctive uniforms.**
16 (4) **Provide emergency vehicles.**
17 (5) **Limit the jurisdiction of the school corporation police**
18 **officers to school property (as defined in IC 35-41-1-24.7).**

19 **Sec. 4. An individual appointed as a school corporation police**
20 **officer must successfully complete at least:**

- 21 (1) **the pre-basic training course established under**
22 **IC 5-2-1-9(f); and**
23 (2) **the minimum basic training and educational requirements**
24 **adopted by the law enforcement training board under**
25 **IC 5-2-1-9 as necessary for employment as a law enforcement**
26 **officer.**

27 **Sec. 5. (a) Notwithstanding section 4 of this chapter and**
28 **IC 5-2-1-9, an individual appointed as a school corporation police**
29 **officer before July 1, 2006, must complete, not later than July 1,**
30 **2009, at least:**

- 31 (1) **the pre-basic training course established under**
32 **IC 5-2-1-9(f); and**
33 (2) **the minimum basic training and educational requirements**
34 **adopted by the law enforcement training board under**
35 **IC 5-2-1-9 as necessary for employment as a law enforcement**
36 **officer.**

37 **(b) As set forth in IC 5-2-1-9, an individual appointed as a school**
38 **corporation police officer may not:**

- 39 (1) **make an arrest;**
40 (2) **conduct a search or a seizure of a person or property; or**
41 (3) **carry a firearm;**

42 **unless the school corporation police officer successfully completes**
43 **a pre-basic training course under IC 5-2-1-9(f).**

44 **Sec. 6. A school corporation police officer appointed under this**
45 **chapter:**

- 46 (1) **is a law enforcement officer (as defined in IC 5-2-1-2(1));**
47 (2) **must take an appropriate oath of office in a form and**
48 **manner prescribed by the governing body;**
49 (3) **serves at the governing body's pleasure;**
50 (4) **performs the duties that the governing body assigns; and**
51 (5) **has full police powers when requested by other law**

1 enforcement to enforce all the penal laws of the state and
 2 possesses, with respect to those laws, the power to effect arrests
 3 for offenses committed in the school corporation police officer's
 4 presence on school property.

5 **Sec. 7. However, a school corporation police officer does not have**
 6 **the powers described in section 6 of this chapter outside school**
 7 **property except for an emergency in which a law enforcement**
 8 **officer (as defined in IC 35-41-1-17) requests assistance.**

9 **Sec. 8. A school corporation police department established before**
 10 **July 1, 2006, shall be considered, after June 30, 2006, a school**
 11 **corporation police department established under this chapter.**

12 SECTION 6. IC 20-28-5-3, AS ADDED BY P.L.246-2005,
 13 SECTION 157, IS AMENDED TO READ AS FOLLOWS
 14 [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) The department shall
 15 designate:

- 16 (1) the grade point average required for each type of license; and
 17 (2) the types of licenses to which the teachers' minimum salary
 18 laws apply, including nonrenewable one (1) year limited licenses.
 19 (b) The department shall determine details of licensing not provided
 20 in this chapter, including requirements regarding the following:
 21 (1) The conversion of one (1) type of license into another.
 22 (2) The accreditation of teacher education schools and departments.
 23 (3) The exchange and renewal of licenses.
 24 (4) The endorsement of another state's license.
 25 (5) The acceptance of credentials from teacher education
 26 institutions of another state.
 27 (6) The academic and professional preparation for each type of
 28 license.
 29 (7) The granting of permission to teach a high school subject area
 30 related to the subject area for which the teacher holds a license.
 31 (8) The issuance of licenses on credentials.
 32 (9) The type of license required for each school position.
 33 (10) The size requirements for an elementary school requiring a
 34 licensed principal.
 35 (11) Any other related matters.

36 The department shall establish at least one (1) system for renewing a
 37 teaching license that does not require a graduate degree.

38 **(c) Beginning July 1, 2006, the board, before issuing an initial**
 39 **teaching license at any grade level to an undergraduate individual**
 40 **seeking an initial teaching license, shall require the applicant for a**
 41 **license to show evidence that the applicant meets one (1) of the**
 42 **following:**

- 43 (1) Has successfully completed a course approved by the board
 44 in:
 45 (A) cardiopulmonary resuscitation that includes a test
 46 demonstration on a mannequin;
 47 (B) removing a foreign body causing an obstruction in an
 48 airway; and
 49 (C) the Heimlich maneuver.
 50 (2) Holds a valid certification in the procedures described in
 51 subdivision (1) issued by:

- 1 **(A) the American Red Cross;**
 2 **(B) the American Heart Association; or**
 3 **(C) a comparable organization or institution approved by the**
 4 **board.**
 5 **(3) Has physical limitations that make it impracticable for the**
 6 **applicant to complete a course or certification described in**
 7 **subdivision (1) or (2).**
 8 ~~(c)~~ **(d) The department shall periodically publish bulletins regarding:**
 9 (1) the details described in subsection (b);
 10 (2) information on the types of licenses issued;
 11 (3) the rules governing the issuance of each type of license; and
 12 (4) other similar matters.
- 13 SECTION 7. IC 20-31-12 IS ADDED TO THE INDIANA CODE
 14 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2006]:
- 16 **Chapter 12. Additional School Improvement Criteria and**
 17 **Awards**
- 18 **Sec. 1. As used in this chapter, the following terms have the**
 19 **following meanings:**
- 20 (1) "Graduation rate" has the meaning set forth in
 21 IC 20-26-13-6.
 22 (2) "High achieving" means a score that is in the ninetieth
 23 percentile or above on a section of the ISTEP program test.
 24 (3) "High performing" means placement by the state board in
 25 the exemplary or commendable performance category.
 26 (4) "Professional development" refers to activities that conform
 27 to the requirements set forth in IC 20-20-31.
 28 (5) "Program" refers to the school improvement award
 29 program established by section 2 of this chapter.
- 30 **Sec. 2. The school improvement award program is established to**
 31 **reward schools that:**
- 32 (1) show improvement over previous years' academic
 33 performance; or
 34 (2) achieve or maintain a high level of academic performance;
 35 **with a graduated series of awards.**
- 36 **Sec. 3. (a) The department shall administer the program.**
 37 **(b) In addition to money appropriated by the general assembly,**
 38 **the department may use gifts and grants to provide funding for**
 39 **awards under this chapter.**
- 40 **Sec. 4. In addition to an assessment of improvement under**
 41 **IC 20-31-8-1, a school shall have the school's progress in school**
 42 **improvement determined by comparing the following performance**
 43 **factors with the same performance factors for the school in**
 44 **previous years:**
- 45 (1) ISTEP scores, with the scores for the following categories of
 46 students reported and compared separately:
 47 **(A) Minority groups (as defined in IC 4-13-16.5-1).**
 48 **(B) Limited English proficiency.**
 49 **(C) Students receiving free or reduced price lunch under the**
 50 **national school lunch program.**
 51 **(D) High achieving.**

1 **(2) Designation as a high performing school.**

2 **(3) For high schools, graduation rates.**

3 **Sec. 5. In addition to grants and awards received under**
 4 **IC 20-31-7 and IC 20-31-11, a participating school's progress in**
 5 **school improvement may be recognized with a performance award**
 6 **in the amount determined by the department.**

7 **Sec. 6. An award granted under this chapter may be used for any**
 8 **combination of the following purposes:**

9 **(1) Grants to certificated employees (as defined in IC 20-29-2-4)**
 10 **for professional development.**

11 **(2) School programs to increase parental involvement.**

12 **(3) Enhanced curriculum or instruction, or both.**

13 **Sec. 7. The principal of the school receiving an award under this**
 14 **chapter shall determine the manner in which the award is to be**
 15 **used after consulting a school improvement committee established**
 16 **under IC 20-31-5-1.**

17 SECTION 8. IC 20-33-11 IS ADDED TO THE INDIANA CODE
 18 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2006]:

20 **Chapter 11. Interrogation of a Student**

21 **Sec. 1. The definitions in IC 20-33-8 apply to this chapter.**

22 **Sec. 2. A school shall comply with section 3 or 4 of this chapter.**

23 **Sec. 3. If a student who is at least eighteen (18) years of age is**
 24 **interrogated by a law enforcement officer:**

25 **(1) on school property; and**

26 **(2) regarding an investigation in which the student may be a**
 27 **suspect;**

28 **the school principal must notify the student's parent of the**
 29 **interrogation not later than twelve (12) hours after the**
 30 **interrogation occurs.**

31 **Sec. 4. If a school has a policy that requires a student's parent to**
 32 **be notified by the school if the student is interrogated on school**
 33 **property by a law enforcement officer, the school policy must apply**
 34 **to all students, regardless of the age of the student.**

35 SECTION 9. IC 34-30-14-2.5 IS ADDED TO THE INDIANA
 36 CODE AS A NEW SECTION TO READ AS FOLLOWS
 37 [EFFECTIVE JULY 1, 2006]: **Sec. 2.5. A teacher who:**

38 **(1) meets the requirement of IC 20-28-5-3(c); and**

39 **(2) performs:**

40 **(A) cardiopulmonary resuscitation; or**

41 **(B) the Heimlich maneuver;**

42 **on or removes a foreign body that is obstructing an airway of**
 43 **another person in the course of employment as a teacher;**

44 **is not liable in a civil action for damages resulting from an act or**
 45 **omission occurring during the performance of a function under this**
 46 **section unless the act or omission constitutes gross negligence or**
 47 **willful and wanton misconduct.**

48 SECTION 10. [EFFECTIVE UPON PASSAGE] **(a) Although**
 49 **IC 20-28-5-3(c), as amended by this act, applies beginning July 1,**
 50 **2006, a college or university located in Indiana may recommend to**
 51 **a person who has been accepted in a teacher training program**

1 before July 1, 2006, that the person should meet the requirements
2 of IC 20-28-5-3(c), as amended by this act.

3 (b) This SECTION expires June 30, 2008.

4 SECTION 11. [EFFECTIVE JULY 1, 2006] (a) An individual
5 appointed as a school corporation police officer before January 1,
6 2006, must begin the training and education required under
7 IC 20-26-16-5, as added by this act, not later than January 1, 2007.
8 However, an individual who is unable to begin the training and
9 education not later than January 1, 2007, due to the existence of a
10 waiting list for the training and education must begin the training
11 and education as soon as possible after January 1, 2007.

12 (b) An individual appointed as a school corporation police officer
13 after December 31, 2005, and before July 1, 2006, must begin the
14 training and education required under IC 20-26-16-5, as added by
15 this act, not later than one (1) year after the individual's
16 appointment. However, an individual who is unable to begin the
17 training and education within one (1) year after the individual's
18 appointment due to the existence of a waiting list for the training
19 and education must begin the training and education as soon as
20 possible after the expiration of the one (1) year period.

21 (c) Notwithstanding IC 20-26-16-5, as added by this act, an
22 individual appointed as a school corporation police officer before
23 July 1, 2006, who is unable to complete the training and education
24 required under IC 20-26-16-5, as added by this act, not later than
25 July 1, 2009, due to the existence of a waiting list for the training
26 and education must complete the training and education as soon as
27 possible after July 1, 2009.

28 (d) This SECTION expires January 1, 2010.

29 SECTION 12. An emergency is declared for this act.

(Reference is to EHB 1338 as reprinted March 2, 2006.)

Conference Committee Report
on
Engrossed House Bill 1338

Signed by:

Representative Harris T
Chairperson

Senator Lubbers

Representative Porter

Senator Breaux

House Conferees

Senate Conferees