

Adopted	Rejected
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## COMMITTEE REPORT

YES:	11
NO:	0

### MR. SPEAKER:

*Your Committee on Education, to which was referred House Bill 1338, 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:*

- 1           Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3           "SECTION 1. IC 20-24-8-5, AS ADDED BY P.L.1-2005,
- 4 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5 JULY 1, 2006]: Sec. 5. The following statutes and rules and guidelines
- 6 adopted under the following statutes apply to a charter school:
- 7           (1) IC 5-11-1-9 (required audits by the state board of accounts).
- 8           (2) IC 20-26-6-2 (unified accounting system).
- 9           (3) IC 20-35 (special education).
- 10          (4) IC 20-26-5-10 and IC 20-28-5-9 (criminal history).
- 11          (5) IC 20-26-5-6 (subject to laws requiring regulation by state
- 12 agencies).
- 13          (6) IC 20-28-7-14 (void teacher contract when two (2) contracts
- 14 are signed).
- 15          (7) IC 20-28-10-12 (nondiscrimination for teacher marital status).

- 1 (8) IC 20-28-10-14 (teacher freedom of association).  
 2 (9) IC 20-28-10-17 (school counselor immunity).  
 3 (10) For conversion charter schools only, IC 20-28-6, IC 20-28-7,  
 4 IC 20-28-8, IC 20-28-9, and IC 20-28-10.  
 5 (11) IC 20-33-2 (compulsory school attendance).  
 6 (12) IC 20-33-3 (limitations on employment of children).  
 7 (13) IC 20-33-8-19, IC 20-33-8-21, and IC 20-33-8-22 (student  
 8 due process and judicial review).  
 9 (14) IC 20-33-8-16 (firearms and deadly weapons).  
 10 (15) IC 20-34-3 (health and safety measures).  
 11 (16) IC 20-33-9 (reporting of student violations of law).  
 12 (17) IC 20-30-3-2 and IC 20-30-3-4 (patriotic commemorative  
 13 observances).  
 14 (18) IC 20-31-3, IC 20-32-4, IC 20-32-5, IC 20-32-6, IC 20-32-8,  
 15 or any other statute, rule, or guideline related to standardized  
 16 testing (assessment programs, including remediation under the  
 17 assessment programs).  
 18 (19) IC 20-33-7 (parental access to education records).  
 19 (20) IC 20-31 (accountability for school performance and  
 20 improvement).

21 **(21) IC 20-34-5 (employees trained in the Heimlich maneuver).**

22 SECTION 2. IC 20-28-5-13, AS ADDED BY P.L.1-2005,  
 23 SECTION 12, IS AMENDED TO READ AS FOLLOWS  
 24 [EFFECTIVE JULY 1, 2006]: Sec. 13. (a) This section applies to an  
 25 examination required for teacher licensure under this chapter.

26 (b) If an individual does not demonstrate the level of proficiency  
 27 required to receive a license on all or a part of an examination, the  
 28 examination's scorer must provide the individual with the individual's  
 29 test scores, including subscores for each area tested.

30 **(c) This subsection applies only to an individual who has taken**  
 31 **the examination described in subsection (a) at least two (2) times**  
 32 **and has failed to demonstrate proficiency in a test area by not more**  
 33 **than two (2) points. An individual may demonstrate proficiency in**  
 34 **a test area by having the teacher education school or department**  
 35 **in which the individual is or was a student certify to the**  
 36 **department that, based on the individual's course work, grades,**  
 37 **fieldwork, and student teaching and on evaluations by the**  
 38 **individual's instructors, the individual possesses the content**

1 **knowledge required by the written examination."**

2 Page 2, delete line 13, begin a new line double block indented and  
3 insert:

4 **"(A) Minority groups (as defined in IC 4-13-16.5-1)."**

5 Page 2, line 21, delete "the following awards:" and insert "a  
6 **performance award in the amount determined by the department.**

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

9 **(1) Grants to certificated employees (as defined in**  
10 **IC 20-29-2-4) 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 4. IC 20-34-5 IS ADDED TO THE INDIANA CODE  
18 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
19 JULY 1, 2006]:

20 **Chapter 5. Employees Trained in Heimlich Maneuver**

21 **Sec. 1. This chapter applies to a school that operates:**

22 **(1) a school lunch program (including a school lunch program**  
23 **under IC 20-26-9);**

24 **(2) a school breakfast program (including a school breakfast**  
25 **program under IC 20-26-9); or**

26 **(3) both a school lunch program and a school breakfast**  
27 **program.**

28 **Sec. 2. As used in this chapter, "Heimlich maneuver" means a**  
29 **series of abdominal thrusts to help a person who is choking.**

30 **Sec. 3. As used in this chapter, "school" includes the following:**

31 **(1) A public school.**

32 **(2) A charter school.**

33 **(3) A nonpublic school that has voluntarily become accredited**  
34 **under IC 20-19-2-10.**

35 **Sec. 4. As used in this chapter, "student" means a person**  
36 **enrolled in a school.**

37 **Sec. 5. A school shall require at least one (1) employee who has:**

38 **(1) received instruction approved by the department in**

1           **methods to provide first aid to a person who is choking; and**  
2           **(2) demonstrated through training approved by the**  
3           **department an ability to perform the Heimlich maneuver or**  
4           **a similar procedure used to expel an obstruction from the**  
5           **throat;**

6           **to be present while students are being served food.**

7           **Sec. 6. A school or an employee of a school is immune from civil**  
8           **liability for an act or omission concerning:**

- 9           **(1) performing duties required under section 5 of this chapter;**
- 10          **or**
- 11          **(2) providing or failing to provide first aid to a person who is**
- 12          **choking;**

13           **unless the act or omission amounts to gross negligence or willful**  
14           **misconduct.**

15           **Sec. 7. The department shall adopt rules under IC 4-22-2 to**  
16           **implement this chapter.**

17           SECTION 5. IC 34-30-2-87.5 IS ADDED TO THE INDIANA  
18           CODE AS A NEW SECTION TO READ AS FOLLOWS  
19           [EFFECTIVE JULY 1, 2006]: **Sec. 87.5. IC 20-34-5-6 (Concerning**  
20           **the presence at school of staff trained in the Heimlich maneuver**  
21           **and the provision or failure to provide first aid at school).**

22           SECTION 6. IC 20-31-11-6 IS REPEALED [EFFECTIVE JULY  
23           1, 2006].

24           SECTION 7. [EFFECTIVE JULY 1, 2006] **(a) Before October 1,**  
25           **2006, the department of education shall submit to the education**  
26           **roundtable for the roundtable's review and approval guidelines**  
27           **concerning the following requirements for initial teacher licensure:**

- 28           **(1) Standards.**
- 29           **(2) Examinations.**
- 30           **(3) Course work.**
- 31           **(4) Grades.**
- 32           **(5) Student teaching.**

- 1           **(6) Mentoring.**
- 2           **(b) This SECTION expires July 1, 2007."**
- 3           Page 2, delete lines 22 through 42.
- 4           Delete page 3.  
            (Reference is to HB 1338 as introduced.)

**and when so amended that said bill do pass.**

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Representative Behning