

**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.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT:

Your Conference Committee appointed to confer with a like committee from the House 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

1 education fund shall be made to a county law enforcement agency
2 without the necessity of first obtaining an appropriation from the county
3 fiscal body.

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

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

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

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

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

25 (2) Guidelines for making felony and misdemeanor arrests in cases
26 involving abuse.

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

28 (A) minimize the likelihood of injury to the law enforcement
29 officer; and

30 (B) promote the safety of a victim.

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

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

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

35 (7) The legal consequences of abuse.

36 (8) The impact on children of law enforcement intervention in
37 abuse cases.

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

39 (10) Verification of restraining orders, protective orders, temporary
40 injunctions, and permanent injunctions.

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

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

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

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

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

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

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

2 (i) A county law enforcement agency may enter into an agreement
3 with other law enforcement agencies to provide the continuing education
4 required by this section and section 2(f) of this chapter.

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

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

10 (2) "City or town 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 city and in each town with a city or
15 town court a local law enforcement continuing education program. The
16 program is funded by amounts appropriated under IC 33-37-8-4 and
17 fees collected under IC 9-29-4-2, IC 9-29-11-1, and IC 35-47-2-3.

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

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

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

30 (f) A city or town law enforcement agency shall provide to each law
31 enforcement officer employed by the city or town law enforcement
32 agency continuing education concerning the following:

33 (1) Duties of a law enforcement officer in enforcing restraining
34 orders, protective orders, temporary injunctions, and permanent
35 injunctions involving abuse.

36 (2) Guidelines for making felony and misdemeanor arrests in cases
37 involving abuse.

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

39 (A) minimize the likelihood of injury to the law enforcement
40 officer; and

41 (B) promote the safety of a victim.

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

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

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

46 (7) The legal consequences of abuse.

47 (8) The impact on children of law enforcement intervention in
48 abuse cases.

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

- 1 (10) Verification of restraining orders, protective orders, temporary
 2 injunctions, and permanent injunctions.
 3 (11) Policies concerning arrest or release of suspects in abuse cases.
 4 (12) Emergency assistance to victims of abuse and criminal justice
 5 options for victims of abuse.
 6 (13) Landlord-tenant concerns in abuse cases.
 7 (14) The taking of an abused child into protective custody.
 8 (15) Assessment of a situation in which the child may be seriously
 9 endangered if the child is left in the child's home.
 10 (16) Assessment of a situation involving an endangered adult (as
 11 defined in IC 12-10-3-2).
 12 (17) Response to a sudden, unexpected infant death.

13 (g) A city or town law enforcement agency may enter into an
 14 agreement with other county, city, or town law enforcement agencies to
 15 provide the continuing education required by this section and section
 16 1(h) of this chapter.

17 SECTION 3. IC 5-10-10-4, AS AMENDED BY P.L.10-2005,
 18 SECTION 1, AS AMENDED BY P.L.170-2005, SECTION 16, AND
 19 AS AMENDED BY P.L.227-2005, SECTION 3, IS CORRECTED
 20 AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 21 2006]: Sec. 4. As used in this chapter, "public safety officer" means any
 22 of the following:

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

~~(15)~~ **(18)** *A gaming agent of the Indiana gaming commission.*

(19) **A school corporation police officer appointed under IC 20-26-16.**

SECTION 4. IC 20-25-4-22 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 22. The governing body of a school city may establish a police department under IC 20-26-16.**

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

Chapter 16. School Corporation Police Departments

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

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

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

(1) Appoint school corporation police officers.

(2) Prescribe the duties and direct the conduct of school corporation police officers.

(3) Prescribe distinctive uniforms.

(4) Provide emergency vehicles.

(5) Limit the jurisdiction of the school corporation police officers to school property (as defined in IC 35-41-1-24.7).

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

(1) the pre-basic training course established under IC 5-2-1-9(f); and

(2) the minimum basic training and educational requirements adopted by the law enforcement training board under IC 5-2-1-9 as necessary for employment as a law enforcement officer.

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

(1) the pre-basic training course established under IC 5-2-1-9(f); and

(2) the minimum basic training and educational requirements adopted by the law enforcement training board under IC 5-2-1-9 as necessary for employment as a law enforcement officer.

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

(1) make an arrest;

(2) conduct a search or a seizure of a person or property; or

(3) carry a firearm;

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

1 **Sec. 6. A school corporation police officer appointed under this**
 2 **chapter:**

- 3 (1) is a law enforcement officer (as defined in IC 5-2-1-2(1));
 4 (2) must take an appropriate oath of office in a form and
 5 manner prescribed by the governing body;
 6 (3) serves at the governing body's pleasure;
 7 (4) performs the duties that the governing body assigns; and
 8 (5) has full police powers when requested by other law
 9 enforcement to enforce all the penal laws of the state and
 10 possesses, with respect to those laws, the power to effect
 11 arrests for offenses committed in the school corporation police
 12 officer's presence on school property.

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

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

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

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

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

47 **(c) Beginning July 1, 2006, the board, before issuing an initial**
 48 **teaching license at any grade level to an undergraduate individual**
 49 **seeking an initial teaching license, shall require the applicant for a**

1 license to show evidence that the applicant meets one (1) of the
2 following:

3 (1) Has successfully completed a course approved by the board
4 in:

5 (A) cardiopulmonary resuscitation that includes a test
6 demonstration on a mannequin;

7 (B) removing a foreign body causing an obstruction in an
8 airway; and

9 (C) the Heimlich maneuver.

10 (2) Holds a valid certification in the procedures described in
11 subdivision (1) issued by:

12 (A) the American Red Cross;

13 (B) the American Heart Association; or

14 (C) a comparable organization or institution approved by
15 the board.

16 (3) Has physical limitations that make it impracticable for the
17 applicant to complete a course or certification described in
18 subdivision (1) or (2).

19 (c) (d) The department shall periodically publish bulletins regarding:

20 (1) the details described in subsection (b);

21 (2) information on the types of licenses issued;

22 (3) the rules governing the issuance of each type of license; and

23 (4) other similar matters.

24 SECTION 7. IC 20-31-12 IS ADDED TO THE INDIANA CODE
25 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
26 JULY 1, 2006]:

27 **Chapter 12. Additional School Improvement Criteria and**
28 **Awards**

29 **Sec. 1. As used in this chapter, the following terms have the**
30 **following meanings:**

31 (1) "Graduation rate" has the meaning set forth in
32 IC 20-26-13-6.

33 (2) "High achieving" means a score that is in the ninetieth
34 percentile or above on a section of the ISTEP program test.

35 (3) "High performing" means placement by the state board in
36 the exemplary or commendable performance category.

37 (4) "Professional development" refers to activities that
38 conform to the requirements set forth in IC 20-20-31.

39 (5) "Program" refers to the school improvement award
40 program established by section 2 of this chapter.

41 **Sec. 2. The school improvement award program is established to**
42 **reward schools that:**

43 (1) show improvement over previous years' academic
44 performance; or

45 (2) achieve or maintain a high level of academic performance;
46 with a graduated series of awards.

47 **Sec. 3. (a) The department shall administer the program.**

48 **(b) In addition to money appropriated by the general assembly,**
49 **the department may use gifts and grants to provide funding for**

1 awards under this chapter.

2 **Sec. 4. In addition to an assessment of improvement under**
 3 **IC 20-31-8-1, a school shall have the school's progress in school**
 4 **improvement determined by comparing the following performance**
 5 **factors with the same performance factors for the school in**
 6 **previous years:**

7 (1) **ISTEP scores, with the scores for the following categories**
 8 **of students reported and compared separately:**

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

10 (B) **Limited English proficiency.**

11 (C) **Students receiving free or reduced price lunch under the**
 12 **national school lunch program.**

13 (D) **High achieving.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

41 **the school principal must notify the student's parent of the**
 42 **interrogation not later than twelve (12) hours after the**
 43 **interrogation occurs.**

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

48 **SECTION 9. IC 34-30-14-2.5 IS ADDED TO THE INDIANA**
 49 **CODE AS A NEW SECTION TO READ AS FOLLOWS**

1 [EFFECTIVE JULY 1, 2006]: **Sec. 2.5. A teacher who:**

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

3 (2) performs:

4 (A) cardiopulmonary resuscitation; or

5 (B) the Heimlich maneuver;

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

8 is not liable in a civil action for damages resulting from an act or
9 omission occurring during the performance of a function under this
10 section unless the act or omission constitutes gross negligence or
11 willful and wanton misconduct.

12 SECTION 10. [EFFECTIVE UPON PASSAGE] (a) Although
13 IC 20-28-5-3(c), as amended by this act, applies beginning July 1,
14 2006, a college or university located in Indiana may recommend to
15 a person who has been accepted in a teacher training program
16 before July 1, 2006, that the person should meet the requirements
17 of IC 20-28-5-3(c), as amended by this act.

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

19 SECTION 11. [EFFECTIVE JULY 1, 2006] (a) An individual
20 appointed as a school corporation police officer before January 1,
21 2006, must begin the training and education required under
22 IC 20-26-16-5, as added by this act, not later than January 1, 2007.
23 However, an individual who is unable to begin the training and
24 education not later than January 1, 2007, due to the existence of a
25 waiting list for the training and education must begin the training
26 and education as soon as possible after January 1, 2007.

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

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

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

44 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