MR. SPEAKER:

I move that House Bill 1004 be amended to read as follows:

Page 7, between lines 18 and 19, begin a new paragraph and insert:

"SECTION 8. IC 20-24-2-2, AS ADDED BY P.L.1-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. A charter school is subject to all federal and state laws and constitutional provisions that prohibit discrimination on the basis of the following:

(1) Disability.
(2) Race.
(3) Color.
(4) Gender.
(5) Gender identity or expression.
(6) Sexual orientation.
(7) National origin.
(8) Religion.
(9) Ancestry.

SECTION 9. IC 20-24-4-1, AS AMENDED BY P.L.192-2018, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) A charter must meet the following requirements:

(1) Be a written instrument.
(2) Be executed by an authorizer and an organizer.
(3) Confer certain rights, franchises, privileges, and obligations on a charter school.

(4) Confirm the status of a charter school as a public school.

(5) Subject to subdivision (6)(E), be granted for:

(A) not less than three (3) years or more than seven (7) years; and

(B) a fixed number of years agreed to by the authorizer and the organizer.

(6) Provide for the following:

(A) A review by the authorizer of the charter school's performance, including the progress of the charter school in achieving the academic goals set forth in the charter, at least one (1) time in each five (5) year period while the charter is in effect.

(B) Renewal, if the authorizer and the organizer agree to renew the charter.

(C) The renewal application must include guidance from the authorizer, and the guidance must include the performance criteria that will guide the authorizer's renewal decisions.

(D) The renewal application process must, at a minimum, provide an opportunity for the charter school to:

(i) present additional evidence, beyond the data contained in the performance report, supporting its case for charter renewal;

(ii) describe improvements undertaken or planned for the charter school; and

(iii) detail the charter school's plans for the next charter term.

(E) Not later than the end of the calendar year in which the charter school seeks renewal of a charter, the governing board of a charter school seeking renewal shall submit a renewal application to the charter authorizer under the renewal application guidance issued by the authorizer. The authorizer shall make a final ruling on the renewal application not later than April 1 after the filing of the renewal application. A renewal granted under this clause is not subject to the three (3) year minimum described in subdivision (5). The April 1 deadline does not apply to any review or appeal of a final ruling. After the final ruling is issued, the charter school may obtain further review by the authorizer of the authorizer's final ruling in accordance with the terms of the charter school's charter and the protocols of the authorizer.

(7) Specify the grounds for the authorizer to:

(A) revoke the charter before the end of the term for which the charter is granted; or

(B) not renew a charter.
(8) Set forth the methods by which the charter school will be held accountable for achieving the educational mission and goals of the charter school, including the following:
   (A) Evidence of improvement in:
       (i) assessment measures, including the statewide assessment program measures;
       (ii) attendance rates;
       (iii) graduation rates (if appropriate);
       (iv) increased numbers of Indiana diplomas with a Core 40 designation and other college and career ready indicators including advanced placement participation and passage, dual credit participation and passage, and International Baccalaureate participation and passage (if appropriate);
       (v) increased numbers of Indiana diplomas with Core 40 with academic honors and technical honors designations (if appropriate);
       (vi) student academic growth;
       (vii) financial performance and stability; and
       (viii) governing board performance and stewardship, including compliance with applicable laws, rules and regulations, and charter terms.
   (B) Evidence of progress toward reaching the educational goals set by the organizer.

(9) Describe the method to be used to monitor the charter school's:
   (A) compliance with applicable law; and
   (B) performance in meeting targeted educational performance.

(10) Specify that the authorizer and the organizer may amend the charter during the term of the charter by mutual consent and describe the process for amending the charter.

(11) Describe specific operating requirements, including all the matters set forth in the application for the charter.

(12) Specify a date when the charter school will:
   (A) begin school operations; and
   (B) have students attending the charter school.

(13) Specify that records of a charter school relating to the school's operation and charter are subject to inspection and copying to the same extent that records of a public school are subject to inspection and copying under IC 5-14-3.

(14) Specify that records provided by the charter school to the department or authorizer that relate to compliance by the organizer with the terms of the charter or applicable state or federal laws are subject to inspection and copying in accordance with IC 5-14-3.

(15) Specify that the charter school is subject to the requirements of IC 5-14-1.5.
(16) This subdivision applies to a charter established or renewed for an adult high school after June 30, 2014. The charter must require:

(A) that the school will offer flexible scheduling;
(B) that students will not complete the majority of instruction of the school's curriculum online or through remote instruction;
(C) that the school will offer dual credit or industry certification course work that aligns with career pathways as recommended by the Indiana career council established by IC 22-4.5-9-3; and
(D) a plan:
   (i) to support successful program completion and to assist transition of graduates to the workforce or to a postsecondary education upon receiving a diploma from the adult high school; and
   (ii) to review individual student accomplishments and success after a student receives a diploma from the adult high school.

(17) This subdivision applies to a charter established or renewed after June 30, 2019. The charter must include a provision specifying that the school will not discriminate against staff members on the basis of the following:

(A) Disability.
(B) Race.
(C) Color.
(D) Gender.
(E) Gender identity or expression.
(F) Sexual orientation.
(G) National origin.
(H) Religion.
(I) Ancestry.

(b) A charter school shall set annual performance targets in conjunction with the charter school's authorizer. The annual performance targets shall be designed to help each school meet applicable federal, state, and authorizer expectations.
organizer must determine which of the applicants will be admitted to
the charter school or the program, class, grade level, or building by
random drawing in a public meeting, with each timely applicant limited
to one (1) entry in the drawing. However, the organizer of a charter
school located in a county with a consolidated city shall determine
which of the applicants will be admitted to the charter school or the
program, class, grade level, or building by using a publicly verifiable
random selection process.

(c) A charter school may limit new admissions to the charter school
to:

(1) ensure that a student who attends the charter school during a
school year may continue to attend the charter school in
subsequent years;
(2) ensure that a student who attends a charter school during a
school year may continue to attend a different charter school held
by the same organizer in subsequent years;
(3) allow the siblings of a student who attends a charter school or
a charter school held by the same organizer to attend the same
charter school the student is attending;
(4) allow preschool students who attend a Level 3 or Level 4
Paths to QUALITY program preschool to attend kindergarten at
a charter school if the charter school and the preschool provider
have entered into an agreement to share services or facilities; and
(5) allow each student who qualifies for free or reduced price
lunch under the national school lunch program to receive
preference for admission to a charter school if the preference is
specifically provided for in the charter school's charter and is
approved by the authorizer.

(d) This subsection applies to an existing school that converts to a
charter school under IC 20-24-11. During the school year in which the
existing school converts to a charter school, the charter school may
limit admission to:

(1) those students who were enrolled in the charter school on the
date of the conversion; and
(2) siblings of students described in subdivision (1).

(e) A charter school may give enrollment preference to children of
the charter school's founders, governing body members, and charter
school employees, as long as the enrollment preference under this
subsection is not given to more than ten percent (10%) of the charter
school's total population.

(f) A charter school may not suspend or expel a charter school
student or otherwise request a charter school student to transfer to
another school on the basis of the following:

(1) Disability.
(2) Race.
(3) Color.
A charter school student may be expelled or suspended only in a manner consistent with discipline rules established under IC 20-24-5.5.

SECTION 11. IC 20-24.5-3-5, AS ADDED BY P.L.2-2007, SECTION 209, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) A student who applies for admission to the academy must:

1. be eligible to attend a public school in Indiana;
2. demonstrate exceptional intellectual ability; and
3. demonstrate a commitment to scholarship.

(b) A student shall be admitted without regard to sex, sexual orientation, gender identity or expression, race, religion, creed, national origin, or religious or parental income.

SECTION 12. IC 20-33-1-1, AS AMENDED BY P.L.3-2008, SECTION 118, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. The following is the public policy of the state:

1. To provide:
   (A) equal;
   (B) nonsegregated; and
   (C) nondiscriminatory; educational opportunities and facilities for all, regardless of race, creed, national origin, color, or sex, sexual orientation, or gender identity or expression.

2. To provide and furnish public schools open equally to all, and prohibited and denied to none because of race, creed, color, sex, sexual orientation, gender identity or expression, or national origin.

3. To reaffirm the principles of:
   (A) the Bill of Rights;
   (B) civil rights; and
   (C) the Constitution of the State of Indiana.

4. To provide a uniform democratic system of public school education to the state and the citizens of Indiana.

5. To:
   (A) abolish;
   (B) eliminate; and
   (C) prohibit;
   segregated and separate schools or school districts on the basis of race, creed, or color.

6. To eliminate and prohibit:
(A) segregation; 
(B) separation; and 
(C) discrimination;
on the basis of race, creed, or color in public schools.
.
Page 8, between lines 33 and 34, begin a new paragraph and insert:

"SECTION 16. IC 20-51-1-4.7, AS AMENDED BY P.L.242-2017,
SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
UPON PASSAGE]: Sec. 4.7. "Eligible school" refers to a public or
nonpublic elementary school or high school that:

(1) is located in Indiana;
(2) requires an eligible choice scholarship student to pay tuition
or transfer tuition to attend;
(3) voluntarily agrees to enroll an eligible choice scholarship
student;
(4) is accredited by either the state board or a national or regional
accreditation agency that is recognized by the state board;
(5) administers the statewide assessment program;
(6) is not a charter school or the school corporation in which an
eligible choice scholarship student has legal settlement under
IC 20-26-11; and
(7) submits to the department only the student performance data
required for a category designation under IC 20-31-8-3; and

(8) complies with IC 20-51-4-1(h).

SECTION 17. IC 20-51-4-1, AS AMENDED BY P.L.106-2016,
SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
UPON PASSAGE]: Sec. 1. (a) Except as provided under subsections
(b) through (h), (i), it is the intent of the general assembly to honor the
autonomy of nonpublic schools that choose to become eligible schools
under this chapter. A nonpublic eligible school is not an agent of the
state or federal government, and therefore:

(1) the department or any other state agency may not in any way
regulate the educational program of a nonpublic eligible school
that accepts a choice scholarship under this chapter, including the
regulation of curriculum content, religious instruction or
activities, classroom teaching, teacher and staff hiring
requirements (except as provided in subsection (h)), and other
activities carried out by the eligible school;
(2) the creation of the choice scholarship program does not
expand the regulatory authority of the state, the state's officers, or
a school corporation to impose additional regulation of nonpublic
schools beyond those necessary to enforce the requirements of the
choice scholarship program in place on July 1, 2011; and

(3) a nonpublic eligible school shall be given the freedom to
provide for the educational needs of students without
governmental control.

(b) This section applies to the following writings, documents, and
records:

(2) The national motto.
(3) The national anthem.
(4) The Pledge of Allegiance.
(6) The Declaration of Independence.
(7) The Mayflower Compact.
(8) The Federalist Papers.
(9) "Common Sense" by Thomas Paine.
(10) The writings, speeches, documents, and proclamations of the founding fathers and presidents of the United States.
(11) United States Supreme Court decisions.
(12) Executive orders of the presidents of the United States.
(13) Frederick Douglass's speech at Rochester, New York, on July 5, 1852, entitled "What to the Slave is the Fourth of July?".
(14) "Appeal" by David Walker.

(c) An eligible school may allow a principal or teacher in the eligible school to read or post in the school building or classroom or at a school event any excerpt or part of a writing, document, or record listed in subsection (b).

(d) An eligible school may not permit the content based censorship of American history or heritage based on religious references in a writing, document, or record listed in subsection (b).

(e) A library, a media center, or an equivalent facility that an eligible school maintains for student use must contain in the facility's permanent collection at least one (1) copy of each writing or document listed in subsection (b)(1) through (b)(9).

(f) An eligible school shall do the following:

(1) Allow a student to include a reference to a writing, document, or record listed in subsection (b) in a report or other work product.
(2) May not punish the student in any way, including a reduction in grade, for using the reference.
(3) Display the United States flag in each classroom.
(4) Provide a daily opportunity for students to voluntarily recite the Pledge of Allegiance in each classroom or on school grounds.
A student is exempt from participation in the Pledge of Allegiance and may not be required to participate in the Pledge of Allegiance if:

(A) the student chooses to not participate; or
(B) the student's parent chooses to have the student not participate.
(5) Provide instruction on the constitutions of:
(A) Indiana; and
(B) the United States.

(6) For an eligible school that enrolls students in grades 6 through
12, provide within the two (2) weeks preceding a general election
five (5) full recitation periods of class discussion concerning:
(A) the system of government in Indiana and in the United
States;
(B) methods of voting;
(C) party structures;
(D) election laws; and
(E) the responsibilities of citizen participation in government
and in elections.

(7) Require that each teacher employed by the eligible school
present instruction with special emphasis on:
(A) honesty;
(B) morality;
(C) courtesy;
(D) obedience to law;
(E) respect for the national flag and the Constitution of the
State of Indiana and the Constitution of the United States;
(F) respect for parents and the home;
(G) the dignity and necessity of honest labor; and
(H) other lessons of a steadying influence that tend to promote
and develop an upright and desirable citizenry.

(8) Provide good citizenship instruction that stresses the nature
and importance of the following:
(A) Being honest and truthful.
(B) Respecting authority.
(C) Respecting the property of others.
(D) Always doing the student's personal best.
(E) Not stealing.
(F) Possessing the skills (including methods of conflict
resolution) necessary to live peaceably in society and not
resorting to violence to settle disputes.
(G) Taking personal responsibility for obligations to family
and community.
(H) Taking personal responsibility for earning a livelihood.
(I) Treating others the way the student would want to be
 treated.
(J) Respecting the national flag, the Constitution of the United
States, and the Constitution of the State of Indiana.
(K) Respecting the student's parents and home.
(L) Respecting the student's self.
(M) Respecting the rights of others to have their own views
and religious beliefs.

(9) Provide instruction in the following studies:
(A) Language arts, including:
   (i) English;
   (ii) grammar;
   (iii) composition;
   (iv) speech; and
   (v) second languages.
(B) Mathematics.
(C) Social studies and citizenship, including the:
   (i) constitutions;
   (ii) governmental systems; and
   (iii) histories;
   of Indiana and the United States, including a study of the
   Holocaust and the role religious extremism played in the
   events of September 11, 2001, in each high school United
   States history course.
(D) Sciences.
(E) Fine arts, including music and art.
(F) Health education, physical fitness, safety, and the effects
   of alcohol, tobacco, drugs, and other substances on the human
   body.

(g) An eligible school shall not teach the violent overthrow of the
   government of the United States.

(h) An eligible school may not discriminate against a member of
    the eligible school's staff on the basis of any of the following:
    (1) Disability.
    (2) Race.
    (3) Color.
    (4) Gender.
    (5) Gender identity or expression.
    (6) Sexual orientation.
    (7) National origin.
    (8) Religion.
    (9) Ancestry.

(h) (i) Nothing in this section shall be construed to limit the
    requirements of IC 20-30-5.

SECTION 18. IC 20-51-4-3, AS AMENDED BY P.L.106-2016,  
SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
UPON PASSAGE]: Sec. 3. (a) An eligible school may not discriminate  
on the basis of race, color, sexual orientation, gender identity or  
extression, disability, ancestry, or national origin.

(b) An eligible school shall abide by the school's written admission  
policy fairly and without discrimination with regard to students who:
   (1) apply for; or
   (2) are awarded;
   (c) If the number of applicants for enrollment in an eligible school
under a choice scholarship exceeds the number of choice scholarships available to the eligible school, the eligible school must draw at random in a public meeting the applications of applicants who are entitled to a choice scholarship from among the applicants who meet the requirements for admission to the eligible school.

(d) The department shall make random visits to at least five percent (5%) of eligible schools during a particular school year to verify that the eligible school complies with the provisions of this chapter and the Constitutions of the State of Indiana and the United States.

(e) Each eligible school shall grant the department reasonable access to its premises, including access to the school's grounds, buildings, and property.

(f) Each year the principal of each eligible school shall certify under penalties of perjury to the department that the eligible school is complying with the requirements of this chapter. The department shall develop a process for eligible schools to follow to make certifications.

(g) Each eligible school shall annually submit to the department, in a manner prescribed by the department, copies of teacher contracts or other documentation prescribed by the department to demonstrate that the eligible school's employment practices comply with section 1(h) of this chapter.

SECTION 19. IC 20-51-4-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.5. (a) If the department:

(1) after reviewing documentation submitted under section 3(g) of this chapter determines that an eligible school does not comply with section 1(h) of this chapter;

(2) receives copies of findings from a court that an eligible school does not comply with section 1(h) of this chapter; or

(3) otherwise determines that an eligible school does not comply with section 1(h) of this chapter;

the department shall send a notice to the eligible school indicating that the eligible school will not be considered an eligible school under IC 20-51-1-4.7, beginning in the school year immediately following the current school year if the eligible school, within thirty (30) days of the date of the notice, does not demonstrate, in a manner prescribed by the department, that the eligible school complies with section 1(h) of this chapter.

(b) If an eligible school that receives a notice does not comply with section 1(h) of this chapter in the manner described in subsection (a), the school will not be considered an eligible school beginning in the school year immediately following the current school year. The department may not award a choice scholarship under this chapter to students enrolled in the school beginning in the school year immediately following the current school year until the department subsequently approves the school's application.
under subsection (d).

(c) An eligible school described in subsection (b) must notify parents of students currently enrolled in the school that students enrolled in the school beginning in the school year immediately following the current school year will not be eligible to receive a choice scholarship under this chapter if the student is enrolled in the school.

(d) A school described in subsection (b) may submit an application to the department to become an eligible school not earlier than one (1) year from the date the school is no longer considered an eligible school under this section. The school must submit documentation prescribed by the department to demonstrate that the school is compliant with section 1(h) of this chapter.”.

Renumber all SECTIONS consecutively.

(Reference is to HB 1004 as printed January 17, 2019.)

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Representative Forestal