HOUSE BILL No. 1136

DIGEST OF HB 1136 (Updated February 7, 2017 2:42 pm - DI 116)

Citations Affected: IC 20-26; noncode.

Synopsis: Latch key programs. Requires a charter school to offer latch key programs. Provides that a school corporation or charter school may include children who attend preschool offered by the school corporation in a school age child care program (commonly referred to as a latch key program) conducted by the school corporation or charter school.

Effective: July 1, 2017.

Frizzell, Smith M, Klinker

January 5, 2017, read first time and referred to Committee on Education.
February 7, 2017, read second time, amended, ordered engrossed.

HB 1136—LS 6601/DI 125
HOUSE BILL No. 1136

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 20-26-1-1, AS AMENDED BY P.L.121-2009, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 1. (a) IC 20-26-1 through IC 20-26-5 and IC 20-26-7 apply to all school corporations. (b) Notwithstanding subsection (a):

(1) IC 20-26-5-10 applies to:

(A) a school corporation;

(B) a charter school; and

(C) an accredited nonpublic school; and

(2) IC 20-26-5-1(c) and IC 20-26-5-2 apply to a:

(A) school corporation; and

(B) charter school other than a virtual charter school.

SECTION 2. IC 20-26-5-1, AS AMENDED BY P.L.233-2015, SECTION 97, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 1. (a) A school corporation shall conduct an educational program for all children who reside within the school corporation in kindergarten and in grades 1 through 12.

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(b) A school corporation may:

1. conduct an educational program for adults and children at least fourteen (14) years of age who do not attend a program described in subsection (a);
2. provide instruction in vocational, industrial, or manual training;
3. provide libraries for the schools of the school corporation;
4. provide public libraries open and free for the use and benefit of the residents and taxpayers of the school corporation where permitted by law;
5. provide vacation school and recreational programs;
6. conduct other educational or other activities as are permitted or required to be performed by law by any school corporation; and
7. provide a school age child care program that operates during periods when school is in session for students who are enrolled in a half-day kindergarten program.

(c) This subsection does not apply to a virtual charter school. Each charter school and school corporation shall develop a written policy that provides for:

1. the implementation of a school age child care program for children who attend:
   - (A) preschool offered by the school corporation or charter school, if applicable; and
   - (B) kindergarten through grade 6; that, at a minimum, operates after the school day and may include periods before school is in session or periods when school is not otherwise in session (commonly referred to as a latch key program) and is offered by the school corporation or charter school; or
2. the availability of the school corporation's or charter school's buildings or parts of the school corporation's or charter school's buildings to conduct the type of program described in subdivision (1) by a nonprofit organization or a for-profit organization.

(d) This subsection does not apply to a virtual charter school. The written policy required under subsection (c) must address compliance with certain standards of reasonable care for children served by a child care program offered under subsection (c), including:

1. requiring the offering entity to acquire a particular amount of liability insurance; and
2. establishing maximum adult to child ratios governing the overall supervision of the children served.

If a school corporation or charter school implements a child care

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program as described in subsection (c)(1) or enters into a contract with an entity described in subsection (c)(2) to provide a child care program, the school corporation or charter school may not assess a fee for the use of the building, and the contract between the school corporation or charter school and the entity providing the program must be in writing. However, the school corporation or charter school may assess a fee to reimburse the school corporation or charter school for providing security, maintenance, utilities, school personnel, or other costs directly attributable to the use of the building for the program. In addition, if a school corporation or charter school offers a child care program as described in subsection (c)(1), the school corporation or charter school may assess a fee to cover costs attributable to implementing the program.

(e) The powers under this section are purposes as well as powers.

SECTION 3. IC 20-26-5-2, AS ADDED BY P.L.1-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 2. (a) This section does not apply to a virtual charter school.

(b) Notwithstanding section 1 of this chapter, except as provided in subsection (c), (d), a school corporation or charter school shall do one (1) of the following:

(1) Conduct a school age child care program (commonly referred to as a latch key program) for children who attend, except as otherwise provided in this subsection, kindergarten through grade 6 that, at a minimum:

(A) operates after the school day and may include periods before school is in session or periods when school is not otherwise in session and is offered by the school corporation or charter school; and

(B) is available to all children in the applicable grade levels within the school corporation or charter school.

(2) Contract with a nonprofit or for-profit organization to:

(A) conduct the type of program described in subdivision (1); and

(B) use school buildings or parts of school buildings in conducting the program.

A contract entered into under this subdivision must be in writing.

However, if a school corporation or charter school provides preschool, the school corporation or charter school may allow preschool students to participate in the school corporation's or charter school's school age child care program (commonly referred to as a latch key program) described in subdivision (1). A school

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corporation or charter school is not required to conduct the school
corporation's or charter school's child care program or to contract for
a child care program for children who attend preschool offered by
the school corporation or charter school, if applicable, or
kindergarten students at times when grades 1 through 6 are in session.

(b) (c) A school corporation or charter school shall develop a
written policy that addresses compliance with certain standards of
reasonable care for children served by a child care program required
under subsection (a); (b), including the following:

1. Requiring the offering entity to acquire a particular amount of
   liability insurance.
2. Establishing maximum adult to child ratios governing the
   overall supervision of the children served.

A school corporation or charter school may not assess a fee for the
use of a building for a child care program required under subsection
(a); (b). However, the school corporation or charter school may assess
a fee to reimburse the school corporation or charter school for
providing security, maintenance, utilities, school personnel, or other
costs directly attributable to the use of a building for a child care
program. If a school corporation or charter school conducts a child
care program under subsection (a)(1); (b)(1), the school corporation or
charter school may assess a fee to cover costs attributable to
implementing the program.

(d) (e) A school corporation or charter school shall receive a
waiver from the state board of the requirement under subsection (a); (b)
if the school corporation or charter school believes that the school
corporation or charter school would experience an undue hardship
due to a low number of eligible children intending to use a child care
program, regardless of whether the child care program is conducted by
the school corporation or charter school or under a contractual
agreement. To receive a waiver, the school corporation or charter
school must include a detailed description of the school corporation's
or charter school's attempt to implement a child care program,
including the following:

1. A description of the steps taken to:
   (A) conduct a child care program described in subsection
       (a)(1); (b)(1); or
   (B) actively solicit nonprofit organizations or for-profit
       organizations to implement a child care program as provided
       in subsection (a)(2); (b)(2).
2. Evidence that a request in writing was made to each parent to
   contact the school corporation or charter school to indicate the
parent's willingness to use a child care program and documentation of the results received from parents.

SECTION 4. [EFFECTIVE JULY 1, 2017]

(a) The definitions used in IC 20 apply throughout this SECTION.

(b) IC 20-26-5-1(c) and IC 20-26-5-2, both as amended by this act, apply to a charter agreement entered into under IC 20-24-4-1 after June 30, 2017.

(c) This SECTION expires July 1, 2024.
COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1136, 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 3, line 4, delete "preschool" and insert ", except as otherwise provided in this subsection, ".

Page 3, delete line 5.

Page 3, line 19, strike "However, a" and insert: "If a school corporation provides preschool, the school corporation may allow preschool students to participate in the school corporation's school age child care program (commonly referred to as a latch key program) described in subdivision (1). A".

and when so amended that said bill do pass.

(Reference is to HB 1136 as introduced.)

BEHNING

Committee Vote: yeas 13, nays 0.

HOUSE MOTION

Mr. Speaker: I move that House Bill 1136 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 20-26-1-1, AS AMENDED BY P.L.121-2009, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 1. (a) IC 20-26-1 through IC 20-26-5 and IC 20-26-7 apply to all school corporations.

(b) Notwithstanding subsection (a):

(1) IC 20-26-5-10 applies to:

(A) a school corporation;

(B) a charter school; and

(C) an accredited nonpublic school; and

(2) IC 20-26-5-1(c) and IC 20-26-5-2 apply to:

(A) school corporation; and

(B) charter school other than a virtual charter school."

Page 2, line 5, strike "A" and insert "This subsection does not apply to a virtual charter school. Each charter school and".

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Page 2, line 9, delete "," and insert "or charter school."
Page 2, line 15, delete ";" and insert "or charter school;"
Page 2, line 16, after "corporation's" insert "or charter school's".
Page 2, line 17, after "corporation's" insert "or charter school's".
Page 2, line 20, after "(d)" insert "This subsection does not apply
to a virtual charter school."
Page 2, line 27, after "corporation" insert "or charter school".
Page 2, line 30, after "corporation" insert "or charter school".
Page 2, line 31, after "corporation" insert "or charter school".
Page 2, line 32, after "corporation" insert "or charter school".
Page 2, line 33, after "corporation" insert "or charter school".
Page 2, line 36, after "corporation" insert "or charter school".
Page 2, line 37, after "corporation" insert "or charter school".
Page 2, line 42, after "(a)" insert "This section does not apply to a
virtual charter school.
(b)"
Page 3, line 1, strike "(c)," and insert "(d),".
Page 3, line 1, after "corporation" insert "or charter school".
Page 3, line 9, delete ";" and insert "or charter school;".
Page 3, line 12, delete ";" and insert "or charter school.".
Page 3, line 19, after "corporation" insert "or charter school".
Page 3, line 20, after "corporation" insert "or charter school".
Page 3, line 21, after "corporation's" insert "or charter school's".
Page 3, line 23, after "corporation" insert "or charter school".
Page 3, line 23, after "corporation's" insert "or charter school's".
Page 3, line 25, delete ";" and insert "or charter school,"
Page 3, line 28, strike "(b)" and insert "(c)".
Page 3, line 28, after "corporation" insert "or charter school".
Page 3, line 30, strike "(a)," and insert "(b),".
Page 3, line 36, after "corporation" insert "or charter school".
Page 3, line 37, strike "(a)." and insert "(b).".
Page 3, line 38, before "may" insert "or charter school".
Page 3, line 38, after "the school corporation" insert "or charter
school".
Page 3, line 41, after "corporation" insert "or charter school".
Page 3, line 42, strike "(a)(1)," and insert "(b)(1),".
Page 3, line 42, after "corporation" insert "or charter school".
Page 4, line 2, strike "(c)" and insert "(d)".
Page 4, line 2, after "corporation" insert "or charter school".
Page 4, line 3, strike "(a)" and insert "(b)".
Page 4, line 3, after "corporation" insert "or charter school".
Page 4, line 4, after "corporation" insert "or charter school".
Page 4, line 7, after "corporation" insert "or charter school".
Page 4, line 8, after "corporation" insert "or charter school".
Page 4, line 9, after "corporation's" insert "or charter school's".
Page 4, line 13, strike "(a)(1);" and insert "(b)(1);".
Page 4, line 16, strike "(a)(2)." and insert "(b)(2).".
Page 4, line 18, after "corporation" insert "or charter school".
Page 4, after line 20, begin a new paragraph and insert:
"SECTION 4. [EFFECTIVE JULY 1, 2017] (a) The definitions used in IC 20 apply throughout this SECTION.
  (b) IC 20-26-5-1(c) and IC 20-26-5-2, both as amended by this act, apply to a charter agreement entered into under IC 20-24-4-1 after June 30, 2017.
  (c) This SECTION expires July 1, 2024."
Renumber all SECTIONS consecutively.

(Reference is to HB 1136 as printed January 24, 2017.)

DELANEY