

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

# HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that House Bill 1324 be amended to read as follows:

- 1 Page 12, between lines 36 and 37, begin a new paragraph and insert:
- 2 **"(e) Subsections (f) through (k) apply to petitions and signature**
- 3 **gathering efforts under subsection (d).**
- 4 **(f) A charter school, an education management organization, or**
- 5 **a school corporation may not promote a position on a petition by**
- 6 **doing any of the following:**
- 7 **(1) Using facilities or equipment, including mail and**
- 8 **messaging systems, owned by a school corporation to promote**
- 9 **a position on the petition, unless equal access to the facilities**
- 10 **or equipment is given to persons with a position opposite to**
- 11 **that of the entity.**
- 12 **(2) Making an expenditure of money from a fund controlled**
- 13 **by the school corporation to promote a position on the**
- 14 **petition or to pay for the gathering of signatures on the**
- 15 **petition. This subdivision does not prohibit an entity from**
- 16 **making an expenditure of money to an attorney, an architect,**
- 17 **a registered professional engineer, a construction manager, or**
- 18 **a financial adviser for professional services related to a**
- 19 **proposed conversion charter school.**
- 20 **(3) Using an employee to promote a position on the petition**
- 21 **during the employee's normal working hours or paid**
- 22 **overtime, or otherwise compelling an employee to promote a**
- 23 **position on the petition at any time. However, if a person**
- 24 **described subsection (k) is advocating for or against a position**

1 on the petition or discussing the petition as authorized under  
 2 subsection (k), an employee of the entity may assist the person  
 3 in presenting information on the petition, if requested to do so  
 4 by the person described in subsection (k).

5 (4) In the case of a school corporation, including a parent  
 6 organization that maintains an extracurricular account with  
 7 a school corporation, promoting a position on the petition by:

8 (A) using students to transport written materials to their  
 9 residences or in any way involving students in a school  
 10 organized promotion of a position;

11 (B) including a statement within another communication  
 12 sent to the students' residences; or

13 (C) initiating discussion of the petition process at a meeting  
 14 between a teacher and parents of a student regarding the  
 15 student's performance or behavior at school. However, if  
 16 the parents initiate a discussion of the petition process at  
 17 the meeting, the teacher may acknowledge the issue and  
 18 direct the parents to a source of factual information on the  
 19 petition process.

20 However, this subsection does not prohibit an official or employee  
 21 of an entity from carrying out duties with respect to a petition that  
 22 are part of the normal and regular conduct of the official's or  
 23 employee's office or agency, including the furnishing of factual  
 24 information regarding the petition in response to inquiries from  
 25 any person.

26 (g) A person may not solicit or collect signatures for a petition  
 27 on property owned or controlled by a school corporation.

28 (h) The staff and employees of a school corporation, charter  
 29 school, or education management organization may not personally  
 30 identify a student as the child of a parent or guardian who supports  
 31 or opposes a petition.

32 (i) This subsection does not apply to:

33 (1) a personal expenditure to promote a position on a petition  
 34 by an employee of a school corporation whose employment is  
 35 governed by a collective bargaining contract or an  
 36 employment contract; or

37 (2) an expenditure to promote a position on a petition by a  
 38 person or an organization that has a contract or an  
 39 arrangement with the school corporation, charter school, or  
 40 education management organization solely for the use of the  
 41 entity's facilities.

42 A person or an organization that has a contract or an arrangement  
 43 (whether formal or informal) with a school corporation, a charter  
 44 school, or an education management organization to provide goods  
 45 or services to the school corporation, charter school, or education  
 46 management corporation may not spend any money to promote a  
 47 position on the petition. A person or an organization that violates

1       **this subsection commits a Class A infraction.**  
2       **(j) An attorney, an architect, a registered professional engineer,**  
3       **a construction manager, or a financial adviser for professional**  
4       **services provided with respect to a school corporation, charter**  
5       **school, or education management organization may not spend any**  
6       **money to promote a position on a petition. A person who violates**  
7       **this subsection:**  
8               **(1) commits a Class A infraction; and**  
9               **(2) is barred from performing any services with respect to a**  
10              **conversion charter school, if it is established, for at least two**  
11              **(2) years after it is established.**  
12       **(k) Notwithstanding any other law, an elected or appointed**  
13       **public official of a political subdivision (including any school board**  
14       **member and school corporation superintendent), a school**  
15       **corporation assistant superintendent, or a chief school business**  
16       **official of a school corporation may at any time:**  
17              **(1) personally advocate for or against a position on a petition;**  
18              **or**  
19              **(2) discuss the petition with any individual, group, or**  
20              **organization or personally advocate for or against a position**  
21              **on the petition before any individual, group, or organization;**  
22       **so long as it is not done by using public funds. Advocacy or**  
23       **discussion allowed under this section is not considered a use of**  
24       **public funds. However, this subsection does not authorize or apply**  
25       **to advocacy or discussion by a school board member,**  
26       **superintendent, assistant superintendent, or school business official**  
27       **to or with students that occurs during the regular school day."**  
              (Reference is to HB 1324 as printed January 23, 2012.)

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Representative Porter