



Reprinted
January 25, 2013

HOUSE BILL No. 1160

DIGEST OF HB 1160 (Updated January 24, 2013 10:52 am - DI 116)

Citations Affected: IC 20-26.

Synopsis: School employee background checks. Provides that an expanded criminal history check, for purposes of education law, requires a national criminal history background check. Eliminates other types of permissible record searches under current law. Provides that a school corporation may agree to pay any fees required for an expanded criminal history check.

Effective: July 1, 2013.

Rhoads, Davisson

January 10, 2013, read first time and referred to Committee on Education.
January 22, 2013, reported — Do Pass.
January 24, 2013, read second time, amended, ordered engrossed.

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HB 1160—LS 6504/DI 116+



First Regular Session 118th General Assembly (2013)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2012 Regular Session of the General Assembly.

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HOUSE BILL No. 1160

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

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

- 1 SECTION 1. IC 20-26-2-1.5, AS ADDED BY P.L.121-2009,
2 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2013]: Sec. 1.5. "Expanded criminal history check" means a
4 criminal history background check of an individual that includes
5 (†) a:
6 (A) search of the records maintained by all counties in Indiana
7 in which the individual who is the subject of the background
8 check resided;
9 (B) search of the records maintained by all counties or similar
10 governmental units in another state; if the individual who is
11 the subject of the background check resided in another state;
12 and
13 (C) check of:
14 (i) sex offender registries in all fifty (50) states; or
15 (ii) the national sex offender registry maintained by the
16 United States Department of Justice; or
17 (‡) a:

HB 1160—LS 6504/DI 116+



1 ~~(A)~~ (1) national criminal history background check (as defined in
2 IC 10-13-3-12); and

3 ~~(B)~~ (2) check of:

4 (i) (A) sex offender registries in all fifty (50) states; or

5 (ii) (B) the national sex offender registry maintained by the
6 United States Department of Justice.

7 SECTION 2. IC 20-26-5-10, AS AMENDED BY P.L.121-2009,
8 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2013]: Sec. 10. (a) A school corporation, including a charter
10 school and an accredited nonpublic school, shall adopt a policy
11 concerning criminal history information for individuals who:

12 (1) apply for:

13 (A) employment with the school corporation; or

14 (B) employment with an entity with which the school
15 corporation contracts for services;

16 (2) seek to enter into a contract to provide services to the school
17 corporation; or

18 (3) are employed by an entity that seeks to enter into a contract to
19 provide services to the school corporation;

20 if the individuals are likely to have direct, ongoing contact with
21 children within the scope of the individuals' employment.

22 (b) A school corporation, including a charter school and an
23 accredited nonpublic school, shall administer a policy adopted under
24 this section uniformly for all individuals to whom the policy applies. A
25 policy adopted under this section must require that the school
26 corporation, charter school, or accredited nonpublic school conduct an
27 expanded criminal history check concerning each applicant for
28 noncertificated employment or certificated employment before or not
29 later than three (3) months after the applicant's employment by the
30 school corporation, charter school, or accredited nonpublic school.
31 Each individual hired for noncertificated employment or certificated
32 employment may be required to provide a written consent for the
33 school corporation, charter school, or accredited nonpublic school to
34 request an expanded criminal history check concerning the individual
35 before or not later than three (3) months after the individual's
36 employment by the school corporation. The school corporation, charter
37 school, or accredited nonpublic school may require the individual to
38 provide a set of fingerprints, and **the school corporation may agree**
39 **to** pay any fees required for the expanded criminal history check. Each
40 applicant for noncertificated employment or certificated employment
41 may be required at the time the individual applies to answer questions
42 concerning the individual's expanded criminal history check. The

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1 failure to answer honestly questions asked under this subsection is
2 grounds for termination of the employee's employment. The applicant
3 is responsible for all costs associated with obtaining the expanded
4 criminal history check, **unless the school corporation agrees to pay**
5 **any associated costs.** An applicant may not be required by a school
6 corporation, charter school, or accredited nonpublic school to obtain an
7 expanded criminal history check more than one (1) time during a five
8 (5) year period.
9 (c) Information obtained under this section must be used in
10 accordance with law.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1160, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

BEHNING, Chair

Committee Vote: yeas 12, nays 0.

 HOUSE MOTION

Mr. Speaker: I move that House Bill 1160 be amended to read as follows:

Page 2, after line 6, begin a new paragraph and insert:

"SECTION 2. IC 20-26-5-10, AS AMENDED BY P.L.121-2009, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 10. (a) A school corporation, including a charter school and an accredited nonpublic school, shall adopt a policy concerning criminal history information for individuals who:

- (1) apply for:
 - (A) employment with the school corporation; or
 - (B) employment with an entity with which the school corporation contracts for services;
- (2) seek to enter into a contract to provide services to the school corporation; or
- (3) are employed by an entity that seeks to enter into a contract to provide services to the school corporation;

if the individuals are likely to have direct, ongoing contact with children within the scope of the individuals' employment.

(b) A school corporation, including a charter school and an accredited nonpublic school, shall administer a policy adopted under this section uniformly for all individuals to whom the policy applies. A policy adopted under this section must require that the school corporation, charter school, or accredited nonpublic school conduct an expanded criminal history check concerning each applicant for noncertificated employment or certificated employment before or not later than three (3) months after the applicant's employment by the school corporation, charter school, or accredited nonpublic school. Each individual hired for noncertificated employment or certificated employment may be required to provide a written consent for the

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school corporation, charter school, or accredited nonpublic school to request an expanded criminal history check concerning the individual before or not later than three (3) months after the individual's employment by the school corporation. The school corporation, charter school, or accredited nonpublic school may require the individual to provide a set of fingerprints, and **the school corporation may agree to pay** any fees required for the expanded criminal history check. Each applicant for noncertificated employment or certificated employment may be required at the time the individual applies to answer questions concerning the individual's expanded criminal history check. The failure to answer honestly questions asked under this subsection is grounds for termination of the employee's employment. The applicant is responsible for all costs associated with obtaining the expanded criminal history check, **unless the school corporation agrees to pay any associated costs.** An applicant may not be required by a school corporation, charter school, or accredited nonpublic school to obtain an expanded criminal history check more than one (1) time during a five (5) year period.

(c) Information obtained under this section must be used in accordance with law."

(Reference is to HB 1160 as printed January 22, 2013.)

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