

January 28, 1998

HOUSE BILL No. 1140

DIGEST OF HB1140 (Updated January 27, 1998 11:41 am - DI 02)

Citations Affected: IC 20-1; IC 20-3.1-15-1; IC 20-5-62-5; IC 20-8.1-9; IC 20-10.1; IC 20-1-6.2; IC 20-6.1-7; IC 20-8.1-3-19; IC 20-8.1-10; IC 20-10.1-9-27; IC 20-10.1-13; IC 20-10.1-14; IC 20-10.1-19; IC 20-10.1-21; IC 20-10.1-23; IC 20-10.1-24; IC 20-10.1-27.

Synopsis: Education issues. Revises the reporting requirements for ISTEP and SAT test scores for annual performance reports and benchmarks to reflect current scoring methods. Allows a local school corporation to adopt textbooks that do not appear on the state adoption list without seeking a waiver from the Indiana state board of education. Removes certain standards that must be met for performance based accreditation. Makes conforming changes to related laws. Repeals provisions for the following programs that have expired, have not been funded, or are impermissible: (1) Inclusion school pilot program. (2) Teacher quality and professional improvement program. (3) Compulsory attendance exception. (4) Governor's scholars academy. (5) Innovative education grant program. (6) Art education grant program. (7) Committee on educational attitudes. (8) Readiness testing. (9) Student services institute. (10) Early childhood, preschool, and latchkey pilot program. (11) Anti-gang counseling program.

Effective: July 1, 1998.

V. Smith, Scholer, Murphy, Bodiker

January 8, 1998, read first time and referred to Committee on Education.
January 27, 1998, amended, reported — Do Pass.

HB 1140—LS 6691/DI 71



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January 28, 1998

Second Regular Session 110th General Assembly (1998)

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 1997 General Assembly.

HOUSE BILL No. 1140

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 20-1-1.2-6, AS AMENDED BY P.L.34-1996,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 1998]: Sec. 6. (a) Each school shall submit to the department
4 the following benchmarks:
5 (1) Graduation rate.
6 (2) Attendance rate.
7 (3) ISTEP scores, or, for a freeway school, scores on a locally
8 adopted assessment program, if appropriate. ~~including the number~~
9 ~~and percentage of students:~~
10 (~~A~~) ~~meeting an advanced standard; or~~
11 (~~B~~) ~~meeting a proficient standard:~~
12 (4) Actual class size.
13 (5) The number and percentage of students in the following
14 groups or programs:
15 (A) At risk.
16 (B) Vocational education.
17 (C) Special education.

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- 1 (D) Gifted or talented.
 2 (E) Remediation/preventative **Remediation and preventive**
 3 remediation.
 4 ~~(F) Technology preparation.~~
 5 (6) Advanced placement, including the following:
 6 (A) For advanced placement tests, the number and percentage
 7 of students:
 8 (i) scoring three (3), four (4), and **five (5); or and**
 9 (ii) participating.
 10 (B) For the Scholastic Aptitude Test: ~~the number and~~
 11 ~~percentage of students:~~
 12 (i) ~~above a designated proficient score; test scores; and~~
 13 (ii) ~~above a designated advanced score; or~~
 14 ~~(iii) the number and percentage of students~~ participating.
 15 (7) Course completion, including the number and percentage of
 16 students completing the following programs:
 17 (A) Academic honors diploma.
 18 (B) Core 40 curriculum.
 19 (C) Vocational programs.
 20 (8) The percentage of graduates who pursue higher education.
 21 (9) School safety, including the number and percentage of
 22 students receiving suspension or expulsion for the possession of
 23 alcohol, drugs, or weapons.
 24 (10) Financial information relevant to performance.
 25 (b) The superintendent and board shall determine which
 26 benchmarks under subsection (a) are appropriate benchmarks for
 27 performance based accreditation under IC 20-1-1.3-3.
 28 SECTION 2. IC 20-1-1.2-7 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 7. (a) The department
 30 shall:
 31 (1) review the information submitted under section 6 of this
 32 chapter relative to the socioeconomic factors of and resources
 33 available to that particular school under section 5 of this chapter;
 34 and
 35 (2) determine whether the school has complied with the following
 36 legal standards for accreditation:
 37 (A) Health and safety requirements.
 38 (B) Minimum time requirements for school activity.
 39 ~~(C) Staff-student ratio requirements.~~
 40 ~~(D) (C) Curriculum offerings.~~
 41 ~~(E) Development and implementation of a staff evaluation~~
 42 ~~plan under IC 20-6.1-9.~~

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- 1 ~~(F)~~ Development and implementation of a beginning teacher
 2 internship program under IC 20-6.1-8.
 3 ~~(G)~~ **(D)** Completion of a school improvement plan that:
 4 (i) analyzes the strengths and weaknesses of the school;
 5 (ii) outlines goals of the school community to which school
 6 improvement activities will be directed; and
 7 (iii) identifies objectives of the school and programs
 8 designed to achieve those objectives.
- 9 (b) In no event may the objectives identified under subsection
 10 ~~(a)(2)(G)(iii)~~ **(a)(2)(D)(iii)** be less than the level of performance
 11 expected for that school under section 5 of this chapter.
- 12 SECTION 3. IC 20-1-1.3-3, AS AMENDED BY P.L.34-1996,
 13 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 1998]: Sec. 3. The board shall implement the
 15 performance-based award and incentive program to recognize and
 16 reward schools that have exhibited relative improvement toward the
 17 performance benchmarks determined to be appropriate for the school
 18 by the superintendent and board, including the following benchmarks:
 19 (1) Graduation rate.
 20 (2) Attendance rate.
 21 (3) ISTEP scores ~~under the ISTEP program or a locally adopted~~
 22 **assessment program used by or, for** a freeway school, including
 23 **the number and percentage of students:**
 24 ~~(A) meeting an advanced standard; or~~
 25 **(B) meeting a proficient standard: scores on a locally adopted**
 26 **assessment program, if appropriate.**
 27 (4) Actual class size.
 28 (5) The number and percentage of students in the following
 29 groups or programs:
 30 (A) At risk.
 31 (B) Vocational education.
 32 (C) Special education.
 33 (D) Gifted or talented.
 34 ~~(E) Remediation/preventative~~ **Remediation and preventive**
 35 remediation.
 36 (F) Technology preparation.
 37 (6) Advanced placement, including the following:
 38 (A) For advanced placement tests, the number and percentage
 39 of students:
 40 (i) scoring three (3), four (4), and **five (5); or and**
 41 (ii) participating.
 42 (B) For the Scholastic Aptitude Test: ~~the number and~~



percentage of students:

(i) above a designated proficient score; test scores; and

(ii) above a designated advanced score; or

(iii) **the number and percentage of students** participating.

(7) Course completion, including the number and percentage of students completing the following programs:

(A) Academic honors diploma.

(B) Core 40 curriculum.

(C) Vocational programs.

(8) The percentage of graduates who pursue higher education.

(9) School safety, including the number and percentage of students receiving suspension or expulsion for the possession of alcohol, drugs, or weapons.

(10) Financial information relevant to performance.

SECTION 4. IC 20-1-1.8-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 22. (a) To evaluate the effectiveness of step ahead as the program relates to the step ahead goals listed in section 12 of this chapter, the panel shall employ the following assessment mechanisms:

(1) The step ahead county coordinator shall annually report to the panel on the development, quality, and appropriateness of the individual family service plans for children whose parents qualify under the income eligibility guidelines.

(2) The step ahead county coordinator shall annually report to the panel on the number of children who:

(A) are utilizing step ahead services; and

(B) do not qualify under the income eligibility guidelines.

~~(3) The panel shall annually assess the results of any readiness program under IC 20-10.1-21 for students in kindergarten and grade 1 to determine whether children enrolling in school after benefiting from step ahead demonstrate greater readiness for learning. The department shall cooperate with the panel in this regard by assisting in defining the term "readiness" and supporting the evaluation based on knowledge and training in early childhood.~~

~~(4)~~ (3) Any other valid assessment technique or method approved by the panel.

(b) The panel shall implement a schedule for assessing step ahead programs, utilizing prior evaluation results and techniques learned through the department's pilot preschool programs.

SECTION 5. IC 20-1-21-4, AS ADDED BY P.L.34-1996, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 JULY 1, 1998]: Sec. 4. (a) Not earlier than September 1 or later than
 2 September 15 of each year, the governing body of a school corporation
 3 shall publish an annual performance report of the school corporation,
 4 in compliance with the procedures identified in section 8 of this
 5 chapter. The report must be published one (1) time annually under
 6 IC 5-3-1.

7 (b) **Notwithstanding IC 5-3-1-1(c), the governing body of a**
 8 **school corporation may use one (1) or more of the following in**
 9 **publishing the annual performance report of the school**
 10 **corporation:**

11 (1) **Type larger than the type used in the regular reading**
 12 **matter of the newspaper or qualified publication where the**
 13 **report is published.**

14 (2) **Graphics.**

15 (3) **Other typographical methods to enhance the report.**

16 SECTION 6. IC 20-1-21-9, AS ADDED BY P.L.34-1996,
 17 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 1998]: Sec. 9. The report must include the following
 19 benchmarks:

20 (1) Graduation rate.

21 (2) Attendance rate.

22 (3) ISTEP test scores or, for a freeway school, scores on a locally
 23 adopted assessment program, if appropriate. **including the number**
 24 **and percentage of students:**

25 (A) **meeting an advanced standard; or**

26 (B) **meeting a proficient standard:**

27 (4) Actual class size.

28 (5) The number and percentage of students in the following
 29 groups or programs:

30 (A) At risk.

31 (B) Vocational education.

32 (C) Special education.

33 (D) Gifted or talented.

34 (E) ~~Remediation/preventative~~ **Remediation and preventive**
 35 **remediation.**

36 (6) Advanced placement, including the following:

37 (A) For advanced placement tests, the number and percentage
 38 of students:

39 (i) scoring three (3), four (4), and **five (5); or and**

40 (ii) participating.

41 (B) For the Scholastic Aptitude Test: **the number and**
 42 **percentage of students:**

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- 1 (i) above a designated proficient score; test scores; and
- 2 (ii) above a designated advanced score; or
- 3 (iii) the number and percentage of students participating.
- 4 (7) Course completion, including the number and percentage of
- 5 students completing the following programs:
- 6 (A) Academic honors diploma.
- 7 (B) Core 40 curriculum.
- 8 (C) Vocational programs.
- 9 (8) The percentage of graduates who pursue higher education.
- 10 (9) School safety, including the number and percentage of
- 11 students receiving suspension or expulsion for the possession of
- 12 alcohol, drugs, or weapons.
- 13 (10) Financial information relevant to performance.

14 SECTION 7. IC 20-3.1-15-1, AS ADDED BY P.L.340-1995,
 15 SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 1998]: Sec. 1. To provide the board with the necessary
 17 flexibility and resources to carry out this article, the following apply:

- 18 (1) The board may eliminate or modify existing policies and
- 19 create new policies, and alter policies from time to time, subject
- 20 to this article and the plan developed under IC 20-3.1-7.
- 21 (2) IC 20-7.5 does not apply to matters set forth in this article.
- 22 The matters set forth in this article may not be the subject of
- 23 collective bargaining or discussion under IC 20-7.5.
- 24 (3) An exclusive representative certified under IC 20-7.5 to
- 25 represent certified employees of the school city, or any other
- 26 entity voluntarily recognized by the board as a representative of
- 27 employees providing educational services in the schools, may
- 28 bargain collectively only concerning salary, wages, and salary and
- 29 wage related fringe benefits. The exclusive representative may not
- 30 bargain collectively or discuss performance awards under
- 31 IC 20-3.1-12.
- 32 (4) The board of school commissioners may waive the following
- 33 statutes and rules for any school in the school city without the
- 34 need for administrative, regulatory, or legislative approval:
- 35 (A) The following rules concerning curriculum and
- 36 instructional time:
- 37 511 IAC 6.1-3-4
- 38 511 IAC 6.1-5-0.5
- 39 511 IAC 6.1-5-1
- 40 511 IAC 6.1-5-2.5
- 41 511 IAC 6.1-5-3.5
- 42 511 IAC 6.1-5-4

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- 1 (B) The following rules concerning pupil/teacher ratios:
 2 511 IAC 6-2-1(b)(2)
 3 511 IAC 6.1-4-1
- 4 (C) The following statutes and rules concerning textbooks, and
 5 rules adopted under the statutes:
 6 IC 20-10.1-9-1
 7 IC 20-10.1-9-18
 8 IC 20-10.1-9-21
 9 IC 20-10.1-9-23
 10 ~~IC 20-10.1-9-27~~
 11 IC 20-10.1-10-1
 12 IC 20-10.1-10-2
 13 511 IAC 6.1-5-5
- 14 (D) The following rules concerning school principals:
 15 511 IAC 6-2-1(c)(4)
 16 511 IAC 6.1-4-2
- 17 (E) 511 IAC 2-2, concerning school construction and
 18 remodeling.
- 19 (5) Notwithstanding any other law, a school city may do the
 20 following:
 21 (A) Lease school transportation equipment to others for
 22 nonschool use when the equipment is not in use for a school
 23 city purpose.
 24 (B) Establish a professional development and technology fund
 25 to be used for:
 26 (i) professional development; or
 27 (ii) technology, including video distance learning.
 28 (C) Transfer funds obtained from sources other than state or
 29 local government taxation among any account of the school
 30 corporation, including a professional development and
 31 technology fund established under clause (B).
- 32 (6) Transfer funds obtained from property taxation among the
 33 general fund (established under IC 21-2-11) and the school
 34 transportation fund (established under IC 21-2-11.5), subject to
 35 the following:
 36 (A) The sum of the property tax rates for the general fund and
 37 the school transportation fund after a transfer occurs under this
 38 subdivision may not exceed the sum of the property tax rates
 39 for the general fund and the school transportation fund before
 40 a transfer occurs under this clause.
 41 (B) This clause does not allow a school corporation to transfer
 42 to any other fund money from the debt service fund

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- 1 (established under IC 21-2-4).
- 2 SECTION 8. IC 20-5-62-5, AS AMENDED BY P.L.34-1996,
3 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 1998]: Sec. 5. Notwithstanding any other law, the operation
5 of the following is suspended for a freeway school corporation or a
6 freeway school if the governing body of the school corporation elects
7 to have the specific statute or rule suspended in the contract:
- 8 (1) The following statutes and rules concerning curriculum and
9 instructional time:
- 10 IC 20-10.1-2-2
11 IC 20-10.1-4-6
12 IC 20-10.1-4-7
13 IC 20-10.1-4-9.1
14 511 IAC 6-7-6
15 511 IAC 6.1-3-4
16 511 IAC 6.1-5-0.5
17 511 IAC 6.1-5-1
18 511 IAC 6.1-5-2.5
19 511 IAC 6.1-5-3.5
20 511 IAC 6.1-5-4
- 21 (2) The following rules concerning pupil/teacher ratios:
- 22 511 IAC 6-2-1(b)(2)
23 511 IAC 6.1-4-1
- 24 (3) The following statutes and rules concerning textbooks:
- 25 IC 20-10.1-9-1
26 IC 20-10.1-9-18
27 IC 20-10.1-9-21
28 IC 20-10.1-9-23
29 ~~IC 20-10.1-9-27~~
30 IC 20-10.1-10-1
31 IC 20-10.1-10-2
32 511 IAC 6.1-5-5
- 33 (4) 511 IAC 6-7, concerning graduation requirements.
34 (5) 511 IAC 6-2-1(c)(4), concerning pupil/principal ratios.
35 (6) 511 IAC 2-2, concerning school construction and remodeling.
36 (7) IC 20-1-1.2, concerning the performance-based accreditation
37 system.
38 (8) IC 20-10.1-16, concerning the ISTEP program established
39 under IC 20-10.1-16-8, if an alternative locally adopted norm and
40 criterion referenced assessment program is adopted under section
41 6(7) of this chapter.
- 42 SECTION 9. IC 20-8.1-9-3 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 3. (a) If a parent of a
 2 child or an emancipated minor who is enrolled in a public school in
 3 ~~grades K-12~~, **kindergarten through grade 12** meets the financial
 4 eligibility standard under section 2 of this chapter, the parent or the
 5 emancipated minor may not be required to pay the fees for school
 6 books, supplies, or other required class fees. Such fees shall be paid by
 7 the school corporation in which the child resides.

8 (b) The school corporation may apply for a reimbursement under
 9 section 9 of this chapter from the department of the costs incurred
 10 under subsection (a).

11 (c) To the extent the reimbursement received by the school
 12 corporation is less than the textbook rental fee assessed for textbooks,
 13 ~~that have been adopted under IC 20-10.1-9-1 or waived under~~
 14 ~~IC 20-10.1-9-27~~, the school corporation may request that the parent or
 15 emancipated minor pay the balance of this amount.

16 SECTION 10. IC 20-8.1-9-9 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 9. (a) If a determination
 18 is made that the applicant is eligible for assistance, the school
 19 corporation shall pay the cost of the student's required fees.

20 (b) A school corporation may receive a reimbursement from the
 21 department for some or all of the costs incurred by a school corporation
 22 during a school year in providing textbook assistance to children who
 23 are eligible under section 2 of this chapter.

24 (c) In order to be guaranteed some level of reimbursement from the
 25 department, the governing body of a school corporation shall request
 26 the reimbursement before November 1 of a school year.

27 (d) In its request, the governing body shall certify to the department:

28 (1) the number of students who are enrolled in that school
 29 corporation and who are eligible for assistance under this chapter;

30 (2) the costs incurred by the school corporation in providing:

31 (A) textbooks (including textbooks used in special education
 32 and gifted and talented classes) to these students;

33 (B) workbooks and consumable textbooks (including
 34 workbooks and consumable textbooks, and other consumable
 35 instructional materials that are used in special education and
 36 gifted and talented classes) that are used by students for no
 37 more than one (1) school year; and

38 (C) instead of the purchase of textbooks, developmentally
 39 appropriate material for instruction in kindergarten through the
 40 grade 3 level, laboratories, and children's literature programs;

41 ~~(3) that each textbook described in subdivision (2)(A) and~~
 42 ~~included in the reimbursement request (except those textbooks~~

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1 used in special education classes and gifted and talented classes)
 2 has been adopted by the state board of education under
 3 IC 20-10.1-9-1 or has been waived by the state board of education
 4 under IC 20-10.1-9-27;
 5 ~~(4)~~ (3) that the amount of reimbursement requested for each
 6 textbook under subdivision ~~(3)~~ does not exceed twenty percent
 7 (20%) of the costs incurred for the textbook, as provided in the
 8 textbook adoption list in each year of the adoption cycle;
 9 ~~(5)~~ (4) that the amount of reimbursement requested for each
 10 workbook or consumable textbook (or other consumable
 11 instructional material used in special education and gifted and
 12 talented classes) under subdivision (2)(B), if applicable, does not
 13 exceed one hundred percent (100%) of the costs incurred for the
 14 workbook or consumable textbook (or other consumable
 15 instructional material used in special education and gifted and
 16 talented classes);
 17 ~~(6)~~ (5) that the amount of reimbursement requested for each
 18 textbook used in special education and gifted and talented classes
 19 is amortized for the number of years in which the textbook is
 20 used;
 21 ~~(7)~~ (6) that the amount of reimbursement requested for
 22 developmentally appropriate material is amortized for the number
 23 of years in which the material is used and does not exceed a total
 24 of one hundred percent (100%) of the costs incurred for the
 25 developmentally appropriate material; and
 26 ~~(8)~~ (7) any other information required by the department,
 27 including copies of purchase orders used to acquire consumable
 28 instructional materials used in special education and gifted and
 29 talented classes and developmentally appropriate material.
 30 (e) Each school within a school corporation shall maintain complete
 31 and accurate information concerning the number of students
 32 determined to be eligible for assistance under this chapter. This
 33 information shall be provided to the department upon request.
 34 (f) If the amount of reimbursement requested before November 1 of
 35 a particular year exceeds the amount of money appropriated to the
 36 department for this purpose, the department shall proportionately
 37 reduce the amount of reimbursement to each school corporation.
 38 (g) A school corporation may submit a supplemental reimbursement
 39 request under section 9.1 of this chapter. The school corporation is
 40 entitled to receive a supplemental reimbursement only if there are
 41 funds available. The department shall proportionately reduce the
 42 amount of supplemental reimbursement to each school corporation if

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1 the total amount requested exceeds the amount of money available to
 2 the department for this purpose. In the case of this supplemental
 3 reimbursement, the provisions in this section apply, except that section
 4 9.1 of this chapter applies to the making of the supplemental request by
 5 the governing body of the school corporation.

6 (h) Parents receiving other governmental assistance or aid which
 7 considers educational needs in computing the entire amount of
 8 assistance granted may not be denied assistance if the applicant's total
 9 family income does not exceed the standards established by this
 10 chapter.

11 SECTION 11. IC 20-8.1-9-9.5 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 9.5. (a) If a parent of a
 13 child or an emancipated minor who is enrolled in an accredited
 14 nonpublic school meets the financial eligibility standard under section
 15 2 of this chapter, the parent or the emancipated minor may receive a
 16 reimbursement from the department as provided in this chapter for the
 17 costs or some of the costs incurred by the parent or emancipated minor
 18 in fees that are reimbursable under section 9 of this chapter. The extent
 19 to which the fees are reimbursable under this section may not exceed
 20 the percentage rates of reimbursement under section 9 of this chapter.
 21 In addition, if a child enrolls in an accredited nonpublic school after the
 22 initial request for reimbursement is filed under subsection (b), the
 23 parent of the child or the emancipated minor who meets the financial
 24 eligibility standard may receive a reimbursement from the department
 25 for the costs or some of the costs incurred in fees that are reimbursable
 26 under section 9 of this chapter by applying to the accredited nonpublic
 27 school for assistance. In this case, the provisions of this section apply,
 28 except that section 9.6 of this chapter applies to the making of the
 29 supplemental request for reimbursement by the principal or other
 30 designee of the accredited nonpublic school.

31 (b) The department shall provide each accredited nonpublic school
 32 with sufficient application forms for assistance, prescribed by the state
 33 board of accounts.

34 (c) Each accredited nonpublic school shall provide the parents or
 35 emancipated minors who wish to apply for assistance with:

- 36 (1) the appropriate application forms; and
- 37 (2) any assistance needed in completing the application form.

38 (d) The parent or emancipated minor shall submit the application to
 39 the accredited nonpublic school. The accredited nonpublic school shall
 40 make a determination of financial eligibility subject to appeal by the
 41 parent or emancipated minor.

42 (e) If a determination is made that the applicant is eligible for

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- 1 assistance, subsection (a) applies.
- 2 (f) In order to be guaranteed some level of reimbursement from the
3 department, the principal or other designee shall submit the
4 reimbursement request before November 1 of a school year.
- 5 (g) In its request, the principal or other designee shall certify to the
6 department:
- 7 (1) the number of students who are enrolled in that accredited
8 nonpublic school and who are eligible for assistance under this
9 chapter;
- 10 (2) the costs incurred in providing:
- 11 (A) textbooks (including textbooks used in special education
12 and gifted and talented classes); and
- 13 (B) workbooks and consumable textbooks (including
14 workbooks, consumable textbooks, and other consumable
15 teaching materials that are used in special education and gifted
16 and talented classes) that are used by students for no more
17 than one (1) school year;
- 18 ~~(3) that each textbook described in subdivision (2)(A) and~~
19 ~~included in the reimbursement request (except those textbooks~~
20 ~~used in special education classes and gifted and talented classes)~~
21 ~~has been adopted by the state board of education under~~
22 ~~IC 20-10.1-9-1 or has been waived by the state board of education~~
23 ~~under IC 20-10.1-9-27;~~
- 24 ~~(4) (3) that the amount of reimbursement requested for each~~
25 ~~textbook under subdivision (3) does not exceed twenty percent~~
26 ~~(20%) of the costs incurred for the textbook, as provided in the~~
27 ~~textbook adoption list in each year of the adoption cycle;~~
- 28 ~~(5) (4) that the amount of reimbursement requested for each~~
29 ~~workbook or consumable textbook (or other consumable teaching~~
30 ~~material used in special education and gifted and talented classes)~~
31 ~~under subdivision (2)(B), if applicable, does not exceed one~~
32 ~~hundred percent (100%) of the costs incurred for the workbook or~~
33 ~~consumable textbook (or other consumable teaching material used~~
34 ~~in special education and gifted and talented classes);~~
- 35 ~~(6) (5) that the amount of reimbursement requested for each~~
36 ~~textbook used in special education and gifted and talented classes~~
37 ~~is amortized for the number of years in which the textbook is~~
38 ~~used; and~~
- 39 ~~(7) (6) any other information required by the department,~~
40 ~~including copies of purchase orders used to acquire consumable~~
41 ~~teaching materials used in special education and gifted and~~
42 ~~talented classes.~~



1 (h) If the amount of reimbursement requested before November 1
 2 of a particular school year exceeds the amount of money appropriated
 3 to the department for this purpose, the department shall proportionately
 4 reduce the amount of reimbursement to each accredited nonpublic
 5 school. An accredited nonpublic school may submit a supplemental
 6 reimbursement request under section 9.6 of this chapter. The parent or
 7 emancipated minor is entitled to receive a supplemental reimbursement
 8 only if there are funds available. The department shall proportionately
 9 reduce the amount of supplemental reimbursement to the accredited
 10 nonpublic schools if the amount requested exceeds the amount of
 11 money available to the department for this purpose.

12 (i) The accredited nonpublic school shall distribute the money
 13 received under this chapter to the appropriate eligible parents or
 14 emancipated minors.

15 (j) IC 20-8.1-9-9(h) applies to parents or emancipated minors as
 16 described in this section.

17 (k) The accredited nonpublic school and the department shall
 18 maintain complete and accurate information concerning the number of
 19 applicants determined to be eligible for assistance under this section.

20 (l) The **Indiana** state board of education shall adopt rules under
 21 IC 4-22-2 to implement this section.

22 SECTION 12. IC 20-10.1-9-1 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 1. (a) Subject to
 24 subsection ~~(c)~~; **(b)**, the **Indiana** state board of education shall adopt
 25 textbooks and enter into contracts with publishers to furnish these
 26 textbooks at fixed prices. For each subject for which credit is given in
 27 the public schools and for each grade, the board shall adopt as many
 28 textbooks as it finds are satisfactory. In addition to adopting textbooks
 29 under this section, the board may recommend to school corporations as
 30 many as seven (7) textbooks from the list of adopted textbooks that the
 31 board finds most satisfactory. The board shall make regular adoptions
 32 and contracts each year for every subject in one (1) subject
 33 classification under section 4 of this chapter. These contracts shall be
 34 for six (6) years. The board in its call for bids may exempt a certain
 35 textbook category or categories in nonrequired subject matter areas
 36 from being bid.

37 ~~(b) If a textbook:~~

38 ~~(1) were adopted by the state board of education at its last regular~~
 39 ~~adoption of textbooks for that subject; or was adopted by the~~
 40 ~~board under section 5 or 6 of this chapter within the last six (6)~~
 41 ~~years; and~~

42 ~~(2) the publisher does not submit a bid proposal for that textbook~~



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1 at the next regular adoption of textbooks for that subject;
 2 a school corporation may continue to use that textbook unless the board
 3 finds that the textbook is no longer satisfactory. This subsection does
 4 not require a publisher to submit a bid or enter into a contract for the
 5 continued sale of such a textbook. A textbook whose continued use is
 6 authorized by this subsection may be used for a maximum of six (6)
 7 years after the expiration of its original adoption:

8 (e) The board may adopt only textbooks that:

9 (1) have been recommended by the advisory committee on
 10 textbook adoption under IC 20-1-1-1; or

11 (2) are approved by seven (7) members of the board.

12 (d) (c) In adopting textbooks, the board shall give priority to
 13 textbooks written at a reading level appropriate to the grade for which
 14 the textbooks will be used.

15 SECTION 13. IC 20-10.1-9-5 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 5. The **Indiana** state
 17 board of education may, at any time, make additional adoptions as new
 18 textbooks become available. ~~or as waivers are granted under section 27~~
 19 ~~of this chapter.~~ A contract for a textbook that was adopted after regular
 20 adoption shall expire at the same time as contracts which were entered
 21 into at the regular time for adoptions of textbooks in that subject.

22 SECTION 14. IC 20-10.1-9-21 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 21. (a) The
 24 superintendent shall be responsible for the establishment of procedures
 25 for textbook adoption. The procedures must include the involvement
 26 of teachers and parents on an advisory committee for the preparation
 27 of recommendations for textbook adoptions. The majority of the
 28 members of the advisory committee must be teachers, and not less than
 29 forty percent (40%) of the committee must be parents. These
 30 recommendations shall be submitted to the superintendent in
 31 accordance with the established procedures in the local school
 32 corporation. **A recommendation submitted under this subsection**
 33 **may be one (1) of the following:**

34 (1) **To adopt a textbook from the state adoption list.**

35 (2) **To adopt a textbook that does not appear on the state**
 36 **adoption list.**

37 (b) The governing body, upon receiving these recommendations,
 38 from the superintendent, shall adopt from the state textbook adoption
 39 lists a textbook for use in teaching each subject in the school
 40 corporation. **do either of the following:**

41 (1) **Adopt textbooks from the state adoption list.**

42 (2) **Adopt textbooks that do not appear on the state adoption**

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1 **list.**
 2 **The governing body shall adopt textbooks on a cycle that coincides**
 3 **with the state adoption cycle under section 4 of this chapter.**

4 (c) A special committee of teachers and parents may also be
 5 appointed to review books, magazines, and audiovisual material used
 6 or proposed for use in the classroom to supplement state adopted
 7 textbooks and may make recommendations to the superintendent and
 8 the governing body concerning the use of this material.

9 (d) Each textbook selected shall be used for the lesser of:
 10 (1) six (6) years; or
 11 (2) the effective period of the state board of education's adoption
 12 of that textbook.

13 (e) A selection may be extended beyond that period for up to six (6)
 14 years; if the governing body is granted a waiver under section 27 of this
 15 chapter.

16 SECTION 15. IC 20-10.1-9-22 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 22. After a local
 18 superintendent has selected textbooks under this chapter, **and not later**
 19 **than July 1, when new contracts become effective, he the**
 20 **superintendent** shall forward to the **Indiana** state board of education
 21 a list of those selections for all subjects and grades. **The board shall**
 22 **examine these lists, and; if the board finds a deviation from the state**
 23 **adopted list and that there has been no waiver granted under section 27**
 24 **of this chapter, the board shall notify the local superintendent of the**
 25 **deviation. If the school corporation does not comply with this chapter**
 26 **within thirty (30) days of receiving the notification, the board shall**
 27 **cancel the accreditation of the offending schools.**

28 SECTION 16. IC 20-10.1-10-2 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 2. (a) Each governing
 30 body may purchase from a contracting publisher, at the net contract
 31 price or at any subsequent lower price, any textbook adopted by the
 32 **Indiana** state board of education **and or** selected by the proper local
 33 officials, and may rent these textbooks to students enrolled in any
 34 public or nonpublic school which is in compliance with the minimum
 35 certification standards of the state board of education and is located
 36 within the attendance unit served by the governing body, at an annual
 37 rental not to exceed twenty-five percent (25%) of the retail price of the
 38 textbooks.

39 (b) However, the governing body may not assess a rental fee of
 40 more than fifteen percent (15%) of the retail price of a textbook that
 41 has been:

42 (1) adopted for usage by students under IC 20-10.1-9;

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- 1 (2) extended for usage by students under IC 20-10.1-9-1(b); and
 2 (3) paid for through rental fees previously collected.
 3 (c) This section does not limit any other laws but is supplementary.
 4 SECTION 17. IC 20-10.1-22-3, AS AMENDED BY P.L.38-1994,
 5 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 1998]: Sec. 3. (a) The types of initiatives for which money
 7 appropriated to the program may be utilized include the following:
 8 (1) Conducting feasibility studies concerning the following:
 9 (A) Mandating full-day or half-day kindergarten programs.
 10 (B) Choice of enrollment programs.
 11 (C) Establishing magnet schools.
 12 (2) An evaluation of P.L.390-1987(ss).
 13 (3) Exploring different or expanded testing methods.
 14 (4) An evaluation of the primetime program under IC 21-1-30.
 15 (5) Administering pilot programs concerning school academic
 16 readiness factors of students in kindergarten and grades 1 and 2.
 17 (6) Studying the implications of offering preschool programs for
 18 special education students.
 19 ~~(7) Conducting the student services programs under~~
 20 ~~IC 20-10.1-23.~~
 21 ~~(8)~~ (7) The Indiana writing project.
 22 (b) The evaluation of P.L.390-1987(ss) and the primetime program
 23 described in subsection (a)(2) and (a)(4) shall be conducted by an
 24 entity other than the department under a contract entered into by the
 25 department.
 26 ~~(c) The student services programs under subsection (a)(7) shall be~~
 27 ~~funded under the program based upon criteria approved by the~~
 28 ~~department. The programs must include a study of:~~
 29 ~~(1) the role of the public school guidance counselor; and~~
 30 ~~(2) the guidance counselor proficiency statements developed~~
 31 ~~under P.L.342-1989(ss); SECTION 39; as approved by the~~
 32 ~~department.~~
 33 SECTION 18. IC 20-10.1-26-4 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 4. A pilot program
 35 eligible to be funded under this chapter must include all of the
 36 following:
 37 (1) School based management models.
 38 (2) Parental involvement strategies.
 39 (3) Innovative integration of curricula, individualized education
 40 programs, nonstandard courses, or textbook adoption in the
 41 school improvement plan described under ~~IC 20-1-1.2-7(a)(2)(G).~~
 42 **IC 20-1-1.2-7(a)(2)(D).**



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1 (4) Training for participants to become effective members on
2 school/community improvement councils.

3 SECTION 19. THE FOLLOWING ARE REPEALED [EFFECTIVE
4 JULY 1, 1998]: IC 20-1-6.2; IC 20-6.1-7; IC 20-8.1-3-19;
5 IC 20-8.1-10; IC 20-10.1-9-27; IC 20-10.1-13; IC 20-10.1-14;
6 IC 20-10.1-19; IC 20-10.1-21; IC 20-10.1-23; IC 20-10.1-24;
7 IC 20-10.1-27.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1140, 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 4, between lines 40 and 41, begin a new paragraph and insert:

"SECTION 5. IC 20-1-21-4, AS ADDED BY P.L.34-1996, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 4. (a) Not earlier than September 1 or later than September 15 of each year, the governing body of a school corporation shall publish an annual performance report of the school corporation, in compliance with the procedures identified in section 8 of this chapter. The report must be published one (1) time annually under IC 5-3-1.

(b) Notwithstanding IC 5-3-1-1(c), the governing body of a school corporation may use one (1) or more of the following in publishing the annual performance report of the school corporation:

- (1) Type larger than the type used in the regular reading matter of the newspaper or qualified publication where the report is published.**
- (2) Graphics.**
- (3) Other typographical methods to enhance the report."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to House Bill 1140 as introduced.)

ROBERTSON, Chair

Committee Vote: yeas 15, nays 0.

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