

SENATE BILL No. 427

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-8.1-9.

Synopsis: Textbook reimbursement. Requires the department of education to fully reimburse school corporations for costs of furnishing free school textbooks, supplies, and other required class fees to students who are eligible for free or reduced price lunches. Requires the department of education to fully reimburse accredited nonpublic schools for costs of furnishing free school textbooks, supplies, and other required class fees to students who are eligible for free lunches. Appropriates from the state general fund a sufficient amount to fully fund the reimbursement program.

Effective: July 1, 1998.

Blade

January 13, 1998, read first time and referred to Committee on Education.

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Introduced

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 *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1997 General Assembly.

SENATE BILL No. 427

A BILL FOR AN ACT to amend the Indiana Code concerning education and to make an appropriation.

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

1 SECTION 1. IC 20-8.1-9-2 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 2. The department shall
3 adopt procedures that must be followed by applicants in order for them
4 to qualify for assistance under this chapter. The financial eligibility
5 ~~standard~~ **standards** for **the students of** an applicant under this chapter
6 must be **as follows:**

7 (1) **For a student enrolled in a public school**, the same criteria
8 used for determining eligibility for receiving free **or reduced**
9 **price lunches** under the national school lunch program (**42 U.S.C.**
10 **1758(b)**).

11 (2) **For a student enrolled in an accredited nonpublic school**,
12 **the same criteria used for determining eligibility for receiving**
13 **free lunches under the national school lunch program (42**
14 **U.S.C. 1758(b))**.

15 SECTION 2. IC 20-8.1-9-3 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 3. (a) If a parent of a
17 child or an emancipated minor who is enrolled in a public school, in

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1 grades K-12, meets the financial eligibility standard under section 2 of
 2 this chapter, the parent or the emancipated minor may not be required
 3 to pay the fees for school books, supplies, or other required class fees.
 4 Such fees shall be paid by the school corporation in which the child
 5 resides.

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

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

14 SECTION 3. IC 20-8.1-9-9 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 9. (a) If a determination
 16 is made that the applicant is eligible for assistance, the school
 17 corporation shall pay the cost of the student's required fees.

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

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

27 (d) In its ~~request,~~ **application,** the governing body shall certify to
 28 the department **the following:**

29 (1) The number of students who are enrolled in that school
 30 corporation and who are eligible for assistance under this
 31 chapter.

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

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

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

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



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



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1 The school corporation is entitled to receive a supplemental
 2 reimbursement only if there are funds available. The department shall
 3 proportionately reduce the amount of supplemental reimbursement to
 4 each school corporation if the total amount requested exceeds the
 5 amount of money available to the department for this purpose. In the
 6 case of this supplemental reimbursement, the provisions in this section
 7 apply, except that section 9.1 of this chapter applies to the making of
 8 the supplemental **request application** by the governing body of the
 9 school corporation.

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

15 SECTION 4. IC 20-8.1-9-9.1 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 9.1. (a) The governing
 17 body of a school corporation may make a supplemental **request**
 18 **application** for reimbursement from the department after April 1 but
 19 before May 1 of a school year for ~~some or all~~ of the additional costs
 20 incurred by the school corporation in providing textbook assistance to
 21 the number of additional eligible children who enroll in the school
 22 corporation after the initial **request application** for reimbursement is
 23 filed under section 9(c) of this chapter.

24 (b) In its supplemental **request, application**, the governing body
 25 must certify to the department the following:

26 (1) The number of additional students who enroll in the school
 27 corporation as described in subsection (a).

28 (2) The additional costs incurred by the school corporation in
 29 providing the materials described in section 9(d)(2) of this
 30 chapter pertaining to the number of additional students.

31 (3) The same information as described in section 9(d)(3) through
 32 9(d)(7) of this chapter as pertaining to the numbers of additional
 33 students.

34 (c) ~~This section applies only if there are funds available. These A~~
 35 supplemental ~~distributions~~ **distribution under this section** shall be
 36 made by the department in accordance with ~~section 9(e)~~ **section 9(f)** of
 37 this chapter.

38 SECTION 5. IC 20-8.1-9-9.5 IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 9.5. (a) If a parent of a
 40 child or an emancipated minor who is enrolled in an accredited
 41 nonpublic school meets the financial eligibility standard under section
 42 2 of this chapter, the parent or the emancipated minor ~~may~~ **shall**



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1 receive a reimbursement from the department as provided in this
 2 chapter for the costs ~~or some of the costs~~ incurred by the parent or
 3 emancipated minor in fees that are reimbursable under section 9 of this
 4 chapter. ~~The extent to which the fees are reimbursable under this~~
 5 ~~section may not exceed the percentage rates of reimbursement under~~
 6 ~~section 9 of this chapter.~~ In addition, if a child enrolls in an accredited
 7 nonpublic school after the initial ~~request~~ **application** for
 8 reimbursement is filed under subsection ~~(b);~~ **(f)**, the parent of the child
 9 or the emancipated minor who meets the financial eligibility standard
 10 ~~may shall~~ receive a reimbursement from the department for the costs
 11 ~~or some of the costs~~ incurred in fees that are reimbursable under
 12 section 9 of this chapter by applying to the accredited nonpublic school
 13 for assistance. In this case, the provisions of this section apply, except
 14 that section 9.6 of this chapter applies to the making of the
 15 supplemental ~~request~~ **application** for reimbursement by the principal
 16 or other designee of the accredited nonpublic school.

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

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

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

24 (d) The parent or emancipated minor shall submit the application
 25 to the accredited nonpublic school. The accredited nonpublic school
 26 shall make a determination of financial eligibility subject to appeal by
 27 the parent or emancipated minor.

28 (e) If a determination is made that the applicant is eligible for
 29 assistance, subsection (a) applies.

30 (f) ~~In order to be guaranteed some level of reimbursement from the~~
 31 ~~department;~~ The principal or other designee shall submit the
 32 reimbursement ~~request~~ **application** before November 1 of a school
 33 year.

34 (g) In its ~~request;~~ **application**, the principal or other designee shall
 35 certify to the department **the following:**

- 36 (1) The number of students who are enrolled in that accredited
 37 nonpublic school and who are eligible for assistance under this
 38 chapter.
- 39 (2) The costs incurred in providing:
 - 40 (A) textbooks (including textbooks used in special
 41 education and gifted and talented classes); and
 - 42 (B) workbooks and consumable textbooks (including



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1 workbooks, consumable textbooks, and other consumable
 2 teaching materials that are used in special education and
 3 gifted and talented classes) that are used by students for no
 4 more than one (1) school year.

5 (3) That each textbook described in subdivision (2)(A) and
 6 included in the reimbursement **request application** (except those
 7 textbooks used in special education classes and gifted and
 8 talented classes) has been adopted by the **Indiana** state board of
 9 education under IC 20-10.1-9-1 or has been waived by the
 10 **Indiana** state board of education under IC 20-10.1-9-27.

11 (4) That the amount of reimbursement **requested** for each
 12 textbook under subdivision (3) does not exceed twenty percent
 13 (20%) of the costs incurred for the textbook, as provided in the
 14 textbook adoption list in each year of the adoption cycle.

15 (5) That the amount of reimbursement **requested** for each
 16 workbook or consumable textbook (or other consumable
 17 teaching material used in special education and gifted and
 18 talented classes) under subdivision (2)(B), if applicable, does not
 19 exceed one hundred percent (100%) of the costs incurred for the
 20 workbook or consumable textbook (or other consumable
 21 teaching material used in special education and gifted and
 22 talented classes).

23 (6) That the amount of reimbursement **requested** for each
 24 textbook used in special education and gifted and talented
 25 classes is amortized for the number of years in which the
 26 textbook is used. ~~and~~

27 (7) Any other information required by the department, including
 28 copies of purchase orders used to acquire consumable teaching
 29 materials used in special education and gifted and talented
 30 classes.

31 (h) ~~If the amount of reimbursement requested before November 1~~
 32 ~~of a particular school year exceeds the amount of money appropriated~~
 33 ~~to the department for this purpose, the department shall proportionately~~
 34 ~~reduce the amount of reimbursement to each accredited nonpublic~~
 35 ~~school. An accredited nonpublic school may submit a supplemental~~
 36 ~~reimbursement **request application** under section 9.6 of this chapter.~~
 37 ~~The parent or emancipated minor is entitled to receive a supplemental~~
 38 ~~reimbursement only if there are funds available. The department shall~~
 39 ~~proportionately reduce the amount of supplemental reimbursement to~~
 40 ~~the accredited nonpublic schools if the amount requested exceeds the~~
 41 ~~amount of money available to the department for this purpose.~~

42 (i) The accredited nonpublic school shall distribute the money

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1 received under this chapter to the appropriate eligible parents or
2 emancipated minors.

3 (j) ~~IC 20-8.1-9-9(h)~~ **Section 9(g) of this chapter** applies to parents
4 or emancipated minors as described in this section.

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

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

10 SECTION 6. IC 20-8.1-9-9.6 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 9.6. (a) The principal
12 or other designee of an accredited nonpublic school may make a
13 supplemental **request application** for reimbursement from the
14 department after April 1 but before May 1 of a school year for ~~some or~~
15 ~~all of~~ the additional costs incurred in fees that are reimbursable under
16 section 9 of this chapter by the parent of a child or emancipated minor
17 who ~~enroll~~ **enrolls** in the accredited nonpublic school after the initial
18 **request application** for reimbursement is filed under section 9.5(f) of
19 this chapter.

20 (b) In its supplemental ~~request;~~ **application**, the principal or other
21 designee must certify to the department the following:

22 (1) The number of additional students who enrolled in the
23 accredited nonpublic school as described in subsection (a).

24 (2) The costs incurred in providing the materials described in
25 section 9.5(g)(2) of this chapter pertaining to the number of
26 additional students.

27 (3) The same information as described in section 9.5(g)(3)
28 through 9.5(g)(7) of this chapter as pertaining to the number of
29 additional students.

30 (c) ~~This section applies only if there are funds available. These~~
31 ~~supplemental distributions shall be made by the department in~~
32 ~~accordance with section 9.5(h) of this chapter.~~

33 SECTION 7. IC 20-8.1-9-9.7 IS ADDED TO THE INDIANA
34 CODE AS A NEW SECTION TO READ AS FOLLOWS
35 [EFFECTIVE JULY 1, 1998]: **Sec. 9.7. There is annually**
36 **appropriated from the state general fund to the department a**
37 **sufficient amount to pay in full the reimbursements applied for**
38 **under this chapter for students of school corporations or**
39 **accredited nonpublic schools.**



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