

HOUSE BILL No. 1035

DIGEST OF INTRODUCED BILL

Citations Affected: None (noncode).

Synopsis: Special education study. Establishes a special education administration study committee to study issues related to the administration of school special education programs. Requires the department of education to conduct a study of the administration of special education programs and to report findings to the special education study committee by October 1, 1999.

Effective: Upon passage.

Hoffman

January 6, 1998, read first time and referred to Committee on Education.



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

HOUSE BILL No. 1035

A BILL FOR AN ACT concerning education.

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

1 SECTION 1. [EFFECTIVE UPON PASSAGE] (a) **As used in this**
2 **SECTION, "committee" refers to the special education**
3 **administration study committee established by subsection (b).**

4 (b) **The special education administration study committee is**
5 **established.**

6 (c) **The committee shall do the following:**

7 (1) **Study issues related to the administration of school special**
8 **education programs.**

9 (2) **Discover and analyze the various sources and reasons for**
10 **the complicated and expensive administrative processes**
11 **currently in place, including the role of courts, federal law,**
12 **state statutes and rules, and governmental administrative**
13 **structures, policies, and staffing.**

14 (3) **Make recommendations to streamline the administrative**
15 **process and reduce administrative costs for special education.**

16 (d) **The committee may study other topics assigned by the**
17 **legislative council or as directed by the committee's chairman.**

18 (e) **The committee is under the jurisdiction of the legislative**



1 council and shall operate under the direction of the legislative
2 council.

3 (f) Before November 1 of each year, the committee shall issue a
4 annual report stating the committee's findings, conclusions, and
5 recommendations made during the most recent interim period
6 between sessions of the general assembly. The committee shall issue
7 other reports as directed by the legislative council.

8 (g) The committee consists of the following twenty (20)
9 members:

10 (1) Four (4) members of the house of representatives, not
11 more than two (2) of whom are of the same political party,
12 appointed by the speaker of the house of representatives with
13 the advice of the house Republican leader or house minority
14 leader, whichever is applicable.

15 (2) Four (4) members of the senate, not more than two (2) of
16 whom are of the same political party, appointed by the
17 president pro tempore of the senate with the advice of the
18 minority leader of the senate.

19 (3) A lay member who is the parent of a public school special
20 education student, appointed by the speaker of the house of
21 representatives.

22 (4) A lay member who is the parent of a public school special
23 education student, appointed by the president pro tempore of
24 the senate.

25 (5) A member of a governing body (as defined in
26 IC 20-10.1-1-5), appointed by the superintendent of public
27 instruction.

28 (6) A superintendent (as defined in IC 20-10.1-1-6) or a
29 principal, appointed by the superintendent of public
30 instruction.

31 (7) An administrator of a special education division of a
32 school corporation, appointed by the superintendent of public
33 instruction.

34 (8) A special education teacher who is a member of the school
35 employee organization having the largest membership in the
36 state, appointed by the speaker of the house of
37 representatives.

38 (9) A special education teacher who is a member of the school
39 employee organization having the second largest membership
40 in the state, appointed by the president pro tempore of the
41 senate.

42 (10) A representative of an advocacy group for persons served



1 by special education programs and appointed by the speaker
2 of the house of representatives.

3 (11) A provider of services to special education students that
4 is under contract with a school corporation, who may
5 represent a private school, appointed by the president pro
6 tempore of the senate.

7 (12) A teacher who has special education students in the
8 teacher's class, appointed by the speaker of the house of
9 representatives.

10 (13) An educational psychologist, appointed by the president
11 pro tempore of the senate.

12 (14) A speech pathologist who represents speech and hearing
13 issues, who is appointed by the superintendent of public
14 instruction.

15 (h) At the time the committee members are appointed, the
16 chairman of the legislative council shall name one (1) of the
17 legislative members as chairman, and the vice chairman of the
18 legislative council shall name one (1) of the legislative members as
19 vice chairman. However, the appointing authority may name a
20 different legislative member as chairman or vice chairman at any
21 time.

22 (i) A member of the committee may be removed at any time by
23 the appointing authority who appointed the member.

24 (j) The term of a legislative member expires immediately upon
25 the election of the general assembly following the member's
26 appointment. A vacancy occurs if a legislative member leaves office
27 for any reason.

28 (k) The appointing authority shall fill a vacancy on the
29 committee by appointing a member for the unexpired term.

30 (l) The committee shall meet annually during the interim
31 between adjournment of sessions of the general assembly and
32 November 1 at the call of the chairman or at other times the
33 committee determines.

34 (m) Notice of the time, place, and agenda of committee meetings
35 shall be given in the same manner as meetings of interim study
36 committees established by the legislative council.

37 (n) The affirmative votes of a majority of the members
38 appointed to the committee are required for the committee to take
39 action on any measure, including final reports.

40 (o) Each member of the committee is entitled to receive the same
41 per diem, mileage, and travel allowances paid to individuals
42 serving as legislative and lay members, respectively, on interim



1 study committees established by the legislative council.

2 (p) The legislative services agency shall provide staff and
3 administrative support for the committee.

4 (q) The legislative council shall establish a budget for the
5 committee. Subject to prior authorization of the legislative council,
6 the expenses incurred by the committee in performing the
7 committee's duties shall be paid from the funds appropriated to the
8 legislative council.

9 (r) This SECTION expires December 31, 1999.

10 SECTION 2. [EFFECTIVE UPON PASSAGE] (a) As used in this
11 SECTION, "department" refers to the department of education
12 established by IC 20-1-1.1-2.

13 (b) The department shall do the following:

14 (1) Conduct a study of the administration of special education
15 programs in Indiana and in other states.

16 (2) Describe the impact of court decisions, federal law, state
17 statutes and rules, and governmental structures, policies, and
18 staffing on the administration of special education in Indiana.

19 (3) Evaluate current policies concerning the inclusion of
20 special education students.

21 (4) Assist public school corporations in evaluating
22 administrative practices to determine which administrative
23 practices are the most efficient and cost effective for
24 administering current special education programs.

25 (5) Examine the annual growth in the state's special education
26 child count since 1992 and review the data to determine if the
27 increases are unique to a particular district, disability area, or
28 geographic area in the state, and to identify factors that
29 contribute to the increase.

30 (6) Investigate the ISTEP exemption for special education
31 students.

32 (c) The department shall report findings under subsection (b) to
33 the special education administration study committee, established
34 by SECTION 1 of this act, by October 1, 1999.

35 (d) The department shall pay any expenses for implementing
36 this SECTION from funds appropriated to the department for
37 research and development.

38 (e) This SECTION expires December 31, 1999.

39 SECTION 3. An emergency is declared for this act.

