

January 23, 1998

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## SENATE BILL No. 473

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DIGEST OF SB 473 (Updated January 22, 1998 12:51 pm - DI 84)

**Citations Affected:** IC 20-10.1-4.6.

**Synopsis:** Alternative education programs. Amend the definition of alternative education program. Provides that governing bodies of school corporations may establish joint programs. Allows an entity other than a school corporation to manage or operate an alternative education program on behalf of a school corporation. Removes the requirement that a grant for an alternative education program be reviewed by the budget committee. Repeals the definition of program organizer for alternative education programs, and makes corresponding changes to related statutes.

**Effective:** July 1, 1998.

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January 14, 1998, read first time and referred to Committee on Rules and Legislative Procedure.

January 22, 1998, amended, reported favorably; reassigned to Committee on Education.

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January 23, 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 *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1997 General Assembly.

## SENATE BILL No. 473

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 20-10.1-4.6-1, AS AMENDED BY  
2 P.L.260-1997(ss), SECTION 61, IS AMENDED TO READ AS  
3 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 1. As used in this  
4 chapter, "alternative education program" refers to an alternative school  
5 or educational program that is described in ~~section 4~~ of this chapter.  
6 ~~The term includes:~~  
7 (1) ~~an alternative education program described in section 3(a)(1)~~  
8 ~~of this chapter; or~~  
9 (2) ~~an area alternative education program described in section~~  
10 ~~3(a)(2) of this chapter.~~  
11 SECTION 2. IC 20-10.1-4.6-3 IS AMENDED TO READ AS  
12 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 3. (a) The governing  
13 body may elect to:  
14 (1) establish an alternative program on its own; or  
15 (2) participate in an area alternative program through a **joint**  
16 **cooperative program under IC 20-5-11, permitted by law.**  
17 (b) An alternative program is not required to be located at a site that

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1 is different than the site at which the traditional school instruction is  
2 offered.

3 **(c) An alternative program may be managed or operated on**  
4 **behalf of a school corporation by an entity other than a school**  
5 **corporation.**

6 SECTION 3. IC 20-10.1-4.6-4, AS AMENDED BY  
7 P.L.260-1997(ss), SECTION 65, IS AMENDED TO READ AS  
8 FOLLOWS: Sec. 4. To qualify as an alternative education program, the  
9 program must:

10 (1) be an educational program for eligible students that instructs  
11 the eligible students in a different manner ~~than~~ **from** the manner  
12 of instruction available in a traditional school setting; and

13 (2) comply with the rules that are adopted under IC 4-22-2 by the  
14 board to govern:

15 (A) alternative education programs; and

16 (B) admission of eligible students to alternative education  
17 programs.

18 SECTION 4. IC 20-10.1-4.6-5, AS AMENDED BY  
19 P.L.260-1997(ss), SECTION 66, IS AMENDED TO READ AS  
20 FOLLOWS[EFFECTIVE JULY 1, 1998]: Sec. 5. The ~~program~~  
21 ~~organizer~~ **school corporation** may request the approval from the  
22 department for the following:

23 (1) To receive the grant for alternative education programs under  
24 IC 21-3-11.

25 (2) To be granted waivers from rules adopted by the state board  
26 that may otherwise interfere with the objectives of the alternative  
27 education program, including waivers of:

28 (A) certain high school graduation requirements;

29 (B) the length of the student instructional day as set forth in  
30 IC 20-10.1-2-1(b);

31 (C) required curriculum and textbooks;

32 (D) teacher certification requirements; and

33 (E) physical facility requirements.

34 SECTION 5. IC 20-10.1-4.6-6, AS AMENDED BY  
35 P.L.260-1997(ss), SECTION 67, IS AMENDED TO READ AS  
36 FOLLOWS[EFFECTIVE JULY 1, 1998]: Sec. 6. (a) Before a ~~program~~  
37 ~~organizer~~ **school corporation** is eligible for the funding, a ~~program~~  
38 ~~organizer~~ **must have** the grant for the program **must be** approved by  
39 both:

40 (1) the department; and

41 (2) the budget agency. ~~after review by the budget committee.~~

42 (b) A school corporation may initiate the program and waiver

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1 approval process under section 5 of this chapter and the grant approval  
 2 process under this section by submitting an application for the  
 3 proposed alternative education program, on forms developed by the  
 4 department, to the department. The application must include the  
 5 following information:

6 (1) The number of eligible students expected to participate in the  
 7 alternative education program.

8 (2) A description of the proposed alternative education program,  
 9 including a description of the nature of the alternative education  
 10 program curriculum.

11 (3) The extent to which the manner of instruction at the  
 12 alternative education program differs from the manner of  
 13 instruction available in the traditional school setting.

14 (4) A description of specific progressive disciplinary procedures  
 15 that:

16 (A) are reasonably designed to modify disruptive behavior in  
 17 the traditional school learning environment without  
 18 necessitating admission to an alternative education program;  
 19 and

20 (B) will be used before admitting a disruptive student into an  
 21 alternative education program.

22 (5) Any other pertinent information required by the department.

23 (c) The term of a grant may not exceed one (1) school year. If a  
 24 school corporation fails to conduct an alternative education program in  
 25 conformity with this chapter, the rules adopted by the state board of  
 26 education, or the terms of the approved grant, the department or the  
 27 budget agency after review by the budget committee may terminate  
 28 funding for the alternative education program before the grant expires.

29 SECTION 6. IC 20-10.1-4.6-2.7 IS REPEALED [EFFECTIVE  
 30 JULY 1, 1998].

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COMMITTEE REPORT

Mr. President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill 473, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete the title and insert the following:

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

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill be reassigned to the Senate Committee on Education.

(Reference is to Senate Bill 473 as introduced.)

GARTON, Chairperson

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