



Reprinted
April 8, 1999

ENGROSSED HOUSE BILL No. 1681

DIGEST OF HB 1681 (Updated April 7, 1999 5:19 pm - DI 44)

Citations Affected: IC 20-5; IC 20-6.1; IC 20-8.1; IC 21-2; IC 36-1; noncode.

Synopsis: Various education matters. Authorizes school corporations in St. Joseph County to issue bonds to implement solutions to contractual retirement or severance liability. Provides that those school corporations may issue bonds for this purpose only one time and that the bonds must be issued before December 1, 1999. Requires a reduction in other property tax levies to offset the debt service levy needed. Allows a political subdivision to donate proceeds from
(Continued next page)

Effective: July 1, 1999; December 2, 1999.

Klinker, Porter, Scholer, Behning, Smith V, Bosma, Robertson

(SENATE SPONSORS — WEATHERWAX, ROGERS, LUBBERS, BOWSER)

January 21, 1999, read first time and referred to Committee on Education.
February 10, 1999, reported — Do Pass; referred to Committee on Ways and Means.
March 1, 1999, amended, reported — Do Pass.
March 4, 1999, read second time, amended, ordered engrossed.
March 5, 1999, engrossed.
March 8, 1999, read third time, passed. Yeas 77, nays 19.

SENATE ACTION

March 11, 1999, read first time and referred to Committee on Education.
March 18, 1999, reassigned to Committee on Finance.
March 29, 1999, reported favorably — Do Pass.
April 5, 1999, read second time, amended, ordered engrossed.
April 6, 1999, engrossed. Placed back on second reading for purposes of amendment.
April 7, 1999, reread second time, amended, ordered engrossed.

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Digest Continued

riverboat gaming to public school endowment corporations that meet certain conditions. Establishes a kindergarten teacher professional development program to be administered by the department of education. Authorizes school corporations to establish retirement and severance liability stabilization funds and to transfer money to those funds from their general funds. Provides that money transferred to those funds may not be expended or transferred for five years.

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Reprinted
April 8, 1999

First Regular Session 111th General Assembly (1999)

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 1998 General Assembly.

ENGROSSED HOUSE BILL No. 1681

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 20-5-4-1.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 1999]: **Sec. 1.5. (a) For purposes of this section, "retirement or**
4 **severance liability" means the payments anticipated to be required**
5 **to be made to employees of a school corporation upon or after the**
6 **termination of their employment by the school corporation under**
7 **an existing or previous employment agreement.**

8 **(b) In addition to the purposes set forth in section 1 of this**
9 **chapter, school corporations located in a county having a**
10 **population of more than two hundred thousand (200,000) but less**
11 **than three hundred thousand (300,000) may issue bonds to**
12 **implement solutions to contractual retirement or severance**
13 **liability. The issuance of bonds for this purpose is subject to the**
14 **following limitations:**

- 15 **(1) A school corporation may issue bonds for the purpose**
16 **described in this section only one (1) time.**
17 **(2) The solution to which the bonds are contributing must be**

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- 1 reasonably expected to reduce the school corporation's
 2 existing unfunded contractual liability for retirement or
 3 severance payments.
- 4 (3) The amount of the bonds that may be issued for the
 5 purpose described in this section may not exceed two percent
 6 (2%) of the total assessed valuation of property in the school
 7 corporation.
- 8 (4) Each year that a debt service levy is needed under this
 9 section, the school corporation shall reduce its total property
 10 tax levy for the school corporation's other funds in an
 11 amount equal to the property tax levy needed for the debt
 12 service under this section.
- 13 (c) Bonds issued for the purpose described in this section shall
 14 be issued in the same manner as other bonds of the school
 15 corporation.
- 16 (d) Bonds issued under this section must be issued not later
 17 than December 1, 1999.
- 18 SECTION 2. IC 20-5-6-9 IS ADDED TO THE INDIANA CODE
 19 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 20 1, 1999]: **Sec. 9. (a) As used in this section, "public school
 21 endowment corporation" means a corporation that is:**
- 22 (1) organized under the Indiana Nonprofit Corporation Act
 23 of 1991 (IC 23-17);
- 24 (2) organized exclusively for educational, charitable, and
 25 scientific purposes; and
- 26 (3) formed for the purpose of providing educational
 27 resources to:
- 28 (A) a particular school corporation or school
 29 corporations; or
- 30 (B) the schools in a particular geographic area.
- 31 (b) As used in this section, "proceeds from riverboat gaming"
 32 means tax revenue received by a political subdivision under
 33 IC 4-33-12-6, IC 4-33-13, or an agreement to share a city's or
 34 county's part of the tax revenue.
- 35 (c) As used in this section, "political subdivision" has the
 36 meaning set forth in IC 36-1-2-13.
- 37 (d) A political subdivision may donate proceeds from riverboat
 38 gaming to a public school endowment corporation under the
 39 following conditions:
- 40 (1) The public school endowment corporation retains all
 41 rights to the donation, including investment powers.
- 42 (2) The public school endowment corporation agrees to

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1 **return the donation to the political subdivision if the**
 2 **corporation:**

- 3 **(A) loses the corporation's status as a public charitable**
 4 **organization;**
 5 **(B) is liquidated; or**
 6 **(C) violates any condition of the endowment set by the**
 7 **fiscal body of the political subdivision.**

8 **(e) A public school endowment corporation may distribute**
 9 **both principal and income.**

10 SECTION 3. IC 20-6.1-7.5 IS ADDED TO THE INDIANA CODE
 11 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 1999]:

13 **Chapter 7.5. Kindergarten Teacher Professional Development**
 14 **Program**

15 **Sec. 1. As used in this chapter, "program" refers to the**
 16 **kindergarten teacher professional development program**
 17 **established by section 2 of this chapter.**

18 **Sec. 2. The kindergarten teacher professional development**
 19 **program is established.**

20 **Sec. 3. The department shall develop and administer a**
 21 **program to provide continuing education and other professional**
 22 **development activities for kindergarten teachers.**

23 **Sec. 4. The department shall adopt rules under IC 4-22-2 to**
 24 **carry out the program.**

25 SECTION 4. IC 20-8.1-3-17 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 17. (a) Subject to the
 27 specific exceptions under this chapter, each individual shall attend
 28 either a public school which the individual is entitled to attend under
 29 IC 20-8.1-6.1 or some other school which is taught in the English
 30 language.

31 (b) An individual is bound by the requirements of this chapter
 32 from the earlier of the date on which the individual officially enrolls in
 33 a school or, except as provided in subsection (h), the beginning of the
 34 fall school term for the school year in which the individual becomes
 35 seven (7) years of age until the date on which the individual:

- 36 (1) graduates;
 37 (2) reaches at least sixteen (16) years of age but who is less than
 38 eighteen (18) years of age and the requirements under subsection
 39 (j) concerning an exit interview are met enabling the individual
 40 to withdraw from school before graduation; or
 41 (3) reaches at least eighteen (18) years of age;

42 whichever occurs first.



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- 1 (c) An individual who:
 2 (1) enrolls in school before the fall school term for the school
 3 year in which the individual becomes seven (7) years of age; and
 4 (2) is withdrawn from school before the school year described in
 5 subdivision (1) occurs;
 6 is not subject to the requirements of this chapter until the individual is
 7 reenrolled as required in subsection (b). Nothing in this section shall
 8 be construed to require that a child complete grade 1 before the child
 9 reaches eight (8) years of age.
- 10 (d) An individual for whom education is compulsory under this
 11 section shall attend school each year:
 12 (1) for the number of days public schools are in session in the
 13 school corporation in which the individual is enrolled in Indiana;
 14 or
 15 (2) if the individual is enrolled outside Indiana, for the number
 16 of days the public schools are in session where the individual is
 17 enrolled.
- 18 (e) In addition to the requirements of subsections (a) through (d),
 19 an individual must be at least five (5) years of age on:
 20 ~~(1) July 1 of the 1991-92 school year; or~~
 21 ~~(2) June 1 of the 1992-93 school year; or~~
 22 **(1) July 1 of the 2000-2001 school year;**
 23 **(2) August 1 of the 2001-2002 school year; or**
 24 **(3) September 1 of the 2002-2003 school year or any**
 25 **subsequent school year;**
 26 to officially enroll in a kindergarten program offered by a school
 27 corporation. However, ~~subject to subsection (g);~~ the governing body of
 28 the school corporation ~~shall~~ **may** adopt a procedure affording a parent
 29 of an individual who does not meet the minimum age requirement set
 30 forth in this subsection the right to appeal to the superintendent of the
 31 school corporation for enrollment of the individual in kindergarten at
 32 an age earlier than the age that is set forth in this subsection.
- 33 (f) In addition to the requirements of subsections (a) through (e),
 34 and subject to subsection (g), if an individual enrolls in school as
 35 permitted under subsection (b) and has not attended kindergarten, the
 36 superintendent of the school corporation shall make a determination as
 37 to whether the individual shall enroll in kindergarten or grade 1 based
 38 on the particular model assessment adopted by the governing body
 39 under subsection (g).
- 40 (g) To assist the principal and governing bodies, the department
 41 shall do the following:
 42 (1) Establish guidelines to assist each governing body in

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- 1 establishing a procedure for making appeals to the
 2 superintendent of the school corporation under subsection (e).
- 3 (2) Establish criteria by which a governing body may adopt a
 4 model assessment which will be utilized in making the
 5 determination under subsection (f).
- 6 (h) If the parents of an individual who would otherwise be subject
 7 to compulsory school attendance under subsection (b), upon request of
 8 the superintendent of the school corporation, certify to the
 9 superintendent of the school corporation that the parents intend to:
- 10 (1) enroll the individual in a nonaccredited, nonpublic school; or
 11 (2) begin providing the individual with instruction equivalent to
 12 that given in the public schools as permitted under
 13 ~~IC 20-8.1-3-34~~; **section 34 of this chapter**;
 14 not later than the date on which the individual reaches seven (7) years
 15 of age, the individual is not bound by the requirements of this chapter
 16 until the individual reaches seven (7) years of age.
- 17 (i) The governing body of each school corporation shall designate
 18 the appropriate employees of the school corporation to conduct the exit
 19 interviews for students described in subsection (b)(2). Each exit
 20 interview must be personally attended by:
- 21 (1) the student's parent or guardian;
 22 (2) the student;
 23 (3) each designated appropriate school employee; and
 24 (4) the student's principal.
- 25 (j) A student who is at least sixteen (16) years of age but less than
 26 eighteen (18) years of age is bound by the requirements of compulsory
 27 school attendance and may not withdraw from school before graduation
 28 unless:
- 29 (1) the student, the student's parent or guardian, and the principal
 30 agree to the withdrawal; and
 31 (2) at the exit interview, the student provides written
 32 ~~acknowledgement~~ **acknowledgment** of the withdrawal and the
 33 student's parent or guardian and the school principal each
 34 provide written consent for the student to withdraw from school.
- 35 (k) For the purposes of this section, "school year" has the meaning
 36 set forth in IC 21-2-12-3(j).
- 37 SECTION 5. IC 21-2-19 IS ADDED TO THE INDIANA CODE
 38 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 1999]:
- 40 **Chapter 19. School Retirement and Severance Liability**
 41 **Stabilization Fund**
 42 **Sec. 1. A school corporation may establish a retirement and**

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1 severance liability stabilization fund.

2 **Sec. 2. A school corporation may transfer money from the**
3 **school corporation's general fund to the school corporation's**
4 **retirement and severance liability stabilization fund.**

5 **Sec. 3. Money transferred to a school corporation's retirement**
6 **and severance liability stabilization fund:**

7 (1) may be expended only for the purposes of paying
8 retirement or severance liabilities (as defined in
9 IC 20-5-4-1.5); and

10 (2) may not be expended or transferred from the retirement
11 and severance liability stabilization fund earlier than five (5)
12 years after being transferred to the fund.

13 SECTION 6. IC 36-1-14-1 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) **This section**
15 **does not apply to donations of proceeds from riverboat gaming to**
16 **a public school endowment corporation under IC 20-5-6-9.**

17 (b) Notwithstanding IC 8-1.5-2-6(d), a unit may donate the
18 proceeds from the sale of a utility or facility or from a grant, a gift, a
19 donation, an endowment, a bequest, or a trust to a foundation under the
20 following conditions:

21 (1) The foundation is a charitable nonprofit community
22 foundation.

23 (2) The foundation retains all rights to the donation, including
24 investment powers.

25 (3) The foundation agrees to do the following:

26 (A) Hold the donation as a permanent endowment.

27 (B) Distribute the income from the donation only to the unit
28 as directed by resolution of the fiscal body of the unit.

29 (C) Return the donation to the general fund of the unit if the
30 foundation:

31 (i) loses the foundation's status as a public charitable
32 organization;

33 (ii) is liquidated; or

34 (iii) violates any condition of the endowment set by the
35 fiscal body of the unit.

36 SECTION 7. IC 20-5-4-1.5 IS REPEALED [EFFECTIVE
37 DECEMBER 2, 1999].

38 SECTION 8. [EFFECTIVE JULY 1, 1999] (a) **The definitions set**
39 **forth in IC 20-5-6-9, as added by this act, apply throughout this**
40 **SECTION.**

41 (b) **A donation of proceeds of riverboat gaming to a public**
42 **school endowment corporation that:**

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1 **(1) was made by a political subdivision before July 1, 1999;**
 2 **and**
 3 **(2) would have been permitted by IC 20-5-6-9, as added by**
 4 **this act, if IC 20-5-6-9 had been in effect before July 1, 1999;**
 5 **is legalized and validated.**
 6 SECTION 9. [EFFECTIVE DECEMBER 2, 1999]
 7 **Notwithstanding the repeal of IC 20-5-4-1.5, as added by this act,**
 8 **the following provisions apply to bonds issued under IC 20-5-4-1.5,**
 9 **as added by this act, before December 2, 1999:**
 10 **(1) The bonds remain valid and binding obligations of the**
 11 **school corporation that issued them, as if IC 20-5-4-1.5 had**
 12 **not been repealed.**
 13 **(2) Each year that a debt service levy is needed for the bonds,**
 14 **the school corporation that issued the bonds shall reduce its**
 15 **total property tax levy for the school corporation's other**
 16 **funds in an amount equal to the property tax levy needed for**
 17 **the debt service on the bonds.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1681, 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.

and that said bill be referred to the Committee on Ways and Means, per Rule 127.

PORTER, Chair

Committee Vote: yeas 14, nays 0.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1681, 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 3, delete lines 30 through 42.

Page 4, delete lines 1 through 11.

Page 4, line 12, delete "Sec. 12." and insert "**Sec 9.**".

Page 4, delete lines 14 through 32.

and when so amended that said bill do pass.

(Reference is to HB 1681 as introduced and as amended by the committee report of the Committee on Education adopted February 10, 1999.)

BAUER, Chair

Committee Vote: yeas 21, nays 1.

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1681 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 20-5-4-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 1.5. (a) For purposes of this section, "retirement or severance liability" means the payments anticipated to be required to be made to employees of a school corporation upon or after the termination of their employment by the school corporation under an existing or previous employment agreement.**

(b) In addition to the purposes set forth in section 1 of this chapter, school corporations may issue bonds to implement solutions to contractual retirement or severance liability. The issuance of bonds for this purpose is subject to the following limitations:

(1) A school corporation may issue bonds for the purpose described in this section only one (1) time.

(2) The solution to which the bonds are contributing must be reasonably expected to reduce the school corporation's existing unfunded contractual liability for retirement or severance payments.

(3) The amount of the bonds that may be issued for the purpose described in this section may not exceed two percent (2%) of the total assessed valuation of property in the school corporation.

(4) Each year that a debt service levy is needed under this section, the school corporation shall reduce its total property tax levy for the school corporation's other funds in an amount equal to the property tax levy needed for the debt service under this section.

(c) Bonds issued for the purpose described in this section shall be issued in the same manner as other bonds of the school corporation."

Renumber all SECTIONS consecutively.

(Reference is to HB 1681 as printed March 2, 1999.)

BAUER



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SENATE MOTION

Mr. President: I move that House Bill 1681, currently assigned to the Committee on Education, be reassigned to the Committee on Finance.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Finance, to which was referred House Bill No. 1681, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to House Bill 1681 as reprinted March 5, 1999.)

BORST, Chairperson

Committee Vote: Yeas 7, Nays 6.

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SENATE MOTION

Mr. President: I move that Engrossed House Bill 1681 be amended to read as follows:

Page 2, delete lines 14 through 42, begin a new paragraph and insert the following:

"SECTION 2. IC 20-5-6-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 9. (a) As used in this section, "public school endowment corporation" means a corporation that is:**

- (1) organized under the Indiana Nonprofit Corporation Act of 1991 (IC 23-17);**
- (2) organized exclusively for educational, charitable, and scientific purposes; and**
- (3) formed for the purpose of providing educational resources to:**

(A) a particular school corporation or school corporations; or

(B) the schools in a particular geographic area.

(b) As used in this section, "proceeds from riverboat gaming" means tax revenue received by a political subdivision under IC 4-33-12-6, IC 4-33-13, or an agreement to share a city's or county's part of the tax revenue.

(c) As used in this section, "political subdivision" has the meaning set forth in IC 36-1-2-13.

(d) A political subdivision may donate proceeds from riverboat gaming to a public school endowment corporation under the following conditions:

- (1) The public school endowment corporation retains all rights to the donation, including investment powers.**
- (2) The public school endowment corporation agrees to return the donation to the political subdivision if the corporation:**

(A) loses the corporation's status as a public charitable organization;

(B) is liquidated; or

(C) violates any condition of the endowment set by the fiscal body of the political subdivision.

(e) A public school endowment corporation may distribute both principal and income.

SECTION 3. IC 36-1-14-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 1. (a) This section does not apply to donations of proceeds from riverboat gaming to**

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a public school endowment corporation under IC 20-5-6-9.

(b) Notwithstanding IC 8-1.5-2-6(d), a unit may donate the proceeds from the sale of a utility or facility or from a grant, a gift, a donation, an endowment, a bequest, or a trust to a foundation under the following conditions:

- (1) The foundation is a charitable nonprofit community foundation.
- (2) The foundation retains all rights to the donation, including investment powers.
- (3) The foundation agrees to do the following:
 - (A) Hold the donation as a permanent endowment.
 - (B) Distribute the income from the donation only to the unit as directed by resolution of the fiscal body of the unit.
 - (C) Return the donation to the general fund of the unit if the foundation:
 - (i) loses the foundation's status as a public charitable organization;
 - (ii) is liquidated; or
 - (iii) violates any condition of the endowment set by the fiscal body of the unit.

SECTION 4. [EFFECTIVE JULY 1, 1999] (a) **The definitions set forth in IC 20-5-6-9, as added by this act, apply throughout this SECTION.**

(b) **A donation of proceeds of riverboat gaming to a public school endowment corporation that:**

- (1) **was made by a political subdivision before July 1, 1999; and**
- (2) **would have been permitted by IC 20-5-6-9, as added by this act, if IC 20-5-6-9 had been in effect before July 1, 1999; is legalized and validated."**

Delete pages 3 through 4.

(Reference is to EHB 1681 as printed March 30, 1999.)

BORST

SENATE MOTION

Mr. President: I move that Engrossed House Bill 1681 be amended to read as follows:

Page 4, after line 19, begin a new paragraph and insert:

“SECTION 3. IC 21-2-19 IS ADDED TO THE INDIANA CODE

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AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]:

Chapter 19. School Retirement and Severance Liability Stabilization Fund

Sec. 1. A school corporation may establish a retirement and severance liability stabilization fund.

Sec. 2. A school corporation may transfer money from the school corporation's general fund to the school corporation's retirement and severance liability stabilization fund.

Sec. 3. Money transferred to a school corporation's retirement and severance liability stabilization fund:

- (1) may be expended only for the purposes of paying retirement or severance liabilities (as defined in IC 20-5-4-1.5); and**
- (2) may not be expended or transferred from the retirement and severance liability stabilization fund earlier than five (5) years after being transferred to the fund."**

(Reference is to EHB 1681 as printed March 30, 1999.)

BORST

SENATE MOTION

Mr. President: I move that Engrossed House Bill 1681 be amended to read as follows:

Page 1, line 9, after "school corporations" insert "**located in a county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000)**".

Page 2, between lines 13 and 14, begin a new paragraph and insert the following:

"(d) Bonds issued under this section must be issued not later than November 1, 1999. This subsection expires November 2, 1999."

(Reference is to EHB 1681 as printed March 30, 1999.)

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SENATE MOTION

Mr. President: I move that Engrossed House Bill 1681, which is eligible for third reading, be returned to second reading for purposes of amendment.

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SENATE MOTION

Mr. President: I move that Engrossed House Bill 1681 be amended to read as follows:

Page 2, line 17, delete "November 1, 1999. This subsection expires November 2, 1999." and insert "**December 1, 1999.**".

Page 4, after line 18, begin a new paragraph and insert:

"SECTION 6. IC 20-5-4-1.5 IS REPEALED [EFFECTIVE DECEMBER 2, 1999].

SECTION 7. [EFFECTIVE DECEMBER 2, 1999] **Notwithstanding the repeal of IC 20-5-4-1.5, as added by this act, the following provisions apply to bonds issued under IC 20-5-4-1.5, as added by this act, before December 2, 1999:**

(1) The bonds remain valid and binding obligations of the school corporation that issued them, as if IC 20-5-4-1.5 had not been repealed.

(2) Each year that a debt service levy is needed for the bonds, the school corporation that issued the bonds shall reduce its total property tax levy for the school corporation's other funds in an amount equal to the property tax levy needed for the debt service on the bonds."

(Reference is to EHB 1681 as reprinted April 6, 1999.)

BORST

SENATE MOTION

Mr. President: I move that Engrossed House Bill 1681 be amended to read as follows:

Page 3, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 1. IC 206.1-7.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS:

Chapter 7.5. Kindergarten Teacher Professional Development Program

Sec. 1. As used in this chapter, "program" refers to the kindergarten teacher professional development program established by section 2 of this chapter.

Sec. 2. The kindergarten teacher professional development program is established.

Sec. 3. The department shall develop and administer a program to provide continuing education and other professional development activities for kindergarten teachers.



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Sec. 4. The department shall adopt rules under IC 4-22-2 to carry out the program.

SECTION 2. IC 20-8.1-3-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 17. (a) Subject to the specific exceptions under this chapter, each individual shall attend either a public school which the individual is entitled to attend under IC 20-8.1-6.1 or some other school which is taught in the English language.

(b) An individual is bound by the requirements of this chapter from the earlier of the date on which the individual officially enrolls in a school or, except as provided in subsection (h), the beginning of the fall school term for the school year in which the individual becomes seven (7) years of age until the date on which the individual:

- (1) graduates;
- (2) reaches at least sixteen (16) years of age but who is less than eighteen (18) years of age and the requirements under subsection (j) concerning an exit interview are met enabling the individual to withdraw from school before graduation; or
- (3) reaches at least eighteen (18) years of age;

whichever occurs first.

(c) An individual who:

- (1) enrolls in school before the fall school term for the school year in which the individual becomes seven (7) years of age; and
- (2) is withdrawn from school before the school year described in subdivision (1) occurs;

is not subject to the requirements of this chapter until the individual is reenrolled as required in subsection (b). Nothing in this section shall be construed to require that a child complete grade 1 before the child reaches eight (8) years of age.

(d) An individual for whom education is compulsory under this section shall attend school each year:

- (1) for the number of days public schools are in session in the school corporation in which the individual is enrolled in Indiana; or
- (2) if the individual is enrolled outside Indiana, for the number of days the public schools are in session where the individual is enrolled.

(e) In addition to the requirements of subsections (a) through (d), an individual must be at least five (5) years of age on:

- ~~(1) July 1 of the 1991-92 school year; or~~
- ~~(2) June 1 of the 1992-93 school year; or~~
- (1) July 1 of the 2000-2001 school year;**



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(2) August 1 of the 2001-2002 school year; or

(3) September 1 of the 2002-2003 school year or any subsequent school year;

to officially enroll in a kindergarten program offered by a school corporation. However, ~~subject to subsection (g)~~, the governing body of the school corporation ~~shall~~ **may** adopt a procedure affording a parent of an individual who does not meet the minimum age requirement set forth in this subsection the right to appeal to the superintendent of the school corporation for enrollment of the individual in kindergarten at an age earlier than the age that is set forth in this subsection.

(f) In addition to the requirements of subsections (a) through (e), and subject to subsection (g), if an individual enrolls in school as permitted under subsection (b) and has not attended kindergarten, the superintendent of the school corporation shall make a determination as to whether the individual shall enroll in kindergarten or grade 1 based on the particular model assessment adopted by the governing body under subsection (g).

(g) To assist the principal and governing bodies, the department shall do the following:

(1) Establish guidelines to assist each governing body in establishing a procedure for making appeals to the superintendent of the school corporation under subsection (e).

(2) Establish criteria by which a governing body may adopt a model assessment which will be utilized in making the determination under subsection (f).

(h) If the parents of an individual who would otherwise be subject to compulsory school attendance under subsection (b), upon request of the superintendent of the school corporation, certify to the superintendent of the school corporation that the parents intend to:

(1) enroll the individual in a nonaccredited, nonpublic school; or

(2) begin providing the individual with instruction equivalent to that given in the public schools as permitted under

~~IC 20-8.1-3-34~~; **section 34 of this chapter;**

not later than the date on which the individual reaches seven (7) years of age, the individual is not bound by the requirements of this chapter until the individual reaches seven (7) years of age.

(i) The governing body of each school corporation shall designate the appropriate employees of the school corporation to conduct the exit interviews for students described in subsection (b)(2). Each exit interview must be personally attended by:

(1) the student's parent or guardian;

(2) the student;



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- (3) each designated appropriate school employee; and
- (4) the student's principal.

(j) A student who is at least sixteen (16) years of age but less than eighteen (18) years of age is bound by the requirements of compulsory school attendance and may not withdraw from school before graduation unless:

- (1) the student, the student's parent or guardian, and the principal agree to the withdrawal; and
- (2) at the exit interview, the student provides written ~~acknowledgement~~ **acknowledgment** of the withdrawal and the student's parent or guardian and the school principal each provide written consent for the student to withdraw from school.

(k) For the purposes of this section, "school year" has the meaning set forth in IC 21-2-12-3(j)."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1681 as reprinted April 6, 1999.)

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