



January 26, 1999

HOUSE BILL No. 1172

DIGEST OF HB 1172 (Updated January 20, 1999 5:53 pm - DI 02)

Citations Affected: IC 20-1; IC 20-3.1; IC 20-5; IC 20-8.1; IC 20-10.1; noncode.

Synopsis: Obsolete statutes and other school matters. Revises the reporting requirements for ISTEP and SAT test scores for performance based accreditation, the performance based award and incentive program, and school corporation annual performance reports and benchmarks to reflect current test scoring methods. Allows a school corporation to use larger type and graphics when publishing the annual performance report and provides a method to compute costs for publication of the report. Allows a school corporation to appoint assistant or deputy treasurers and provides that the term "treasurer" includes an assistant or a deputy treasurer. Allows a 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. Repeals the provision requiring a waiver from the department of education to adopt a textbook that does not appear on the state adoption list. Repeals
(Continued next page)

Effective: July 1, 1999.

Smith V, Scholer, Bosma, Bodiker

January 6, 1999, read first time and referred to Committee on Education.
January 25, 1999, amended, reported — Do Pass.

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Digest Continued

provisions for the following programs that have expired, have not been funded, or are not in compliance with federal law: (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, motivation, and parental involvement. (8) Readiness testing. (9) Student services summer institute (in part). (10) Early childhood, preschool, and latch key pilot programs. (11) Anti-gang counseling pilot program. Removes references to repealed statutes from related sections.

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January 26, 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.

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HOUSE BILL No. 1172

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 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 6. (a) Each school shall
3 submit to the department the following benchmarks:
4 (1) Graduation rate.
5 (2) Attendance rate.
6 (3) ISTEP scores, or, for a freeway school, scores on a locally
7 adopted assessment program, if appropriate. ~~including the number~~
8 ~~and percentage of students:~~
9 (A) ~~meeting an advanced standard; or~~
10 (B) ~~meeting a proficient standard.~~
11 (4) Actual class size.
12 (5) The number and percentage of students in the following
13 groups or programs:
14 (A) At risk.
15 (B) Vocational education.

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- 1 (C) Special education.
 2 (D) Gifted or talented.
 3 (E) ~~Remediation/preventative~~ **Remediation and preventive**
 4 remediation.
 5 (F) Technology preparation.
 6 (6) Advanced placement, including the following:
 7 (A) For advanced placement tests, the number and percentage
 8 of students:
 9 (i) scoring three (3), four (4), and (5); ~~or and~~
 10 (ii) participating.
 11 (B) For the Scholastic Aptitude Test: ~~the number and~~
 12 ~~percentage of students:~~
 13 (i) ~~above a designated proficient score; test scores; and~~
 14 (ii) ~~above a designated advanced score; or~~
 15 (iii) **the number and percentage of students** participating.
 16 (7) Course completion, including the number and percentage of
 17 students completing the following programs:
 18 (A) Academic honors diploma.
 19 (B) Core 40 curriculum.
 20 (C) Vocational programs.
 21 (8) The percentage of graduates who pursue higher education.
 22 (9) School safety, including the number and percentage of
 23 students receiving suspension or expulsion for the possession of
 24 alcohol, drugs, or weapons.
 25 (10) Financial information relevant to performance.
 26 (b) The superintendent and board shall determine which
 27 benchmarks under subsection (a) are appropriate benchmarks for
 28 performance based accreditation under IC 20-1-1.3-3.
 29 SECTION 2. IC 20-1-1.3-3 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. The board shall
 31 implement the performance-based award and incentive program to
 32 recognize and reward schools that have exhibited relative improvement
 33 toward the performance benchmarks determined to be appropriate for
 34 the school by the superintendent and board, including the following
 35 benchmarks:
 36 (1) Graduation rate.
 37 (2) Attendance rate.
 38 (3) ISTEP scores ~~under the ISTEP program or a locally adopted~~
 39 ~~assessment program used by or, for~~ a freeway school, including
 40 ~~the number and percentage of students:~~
 41 (A) ~~meeting an advanced standard; or~~
 42 (B) ~~meeting a proficient standard: scores on a locally adopted~~



- 1 **assessment program, if appropriate.**
 2 (4) Actual class size.
 3 (5) The number and percentage of students in the following
 4 groups or programs:
 5 (A) At risk.
 6 (B) Vocational education.
 7 (C) Special education.
 8 (D) Gifted or talented.
 9 (E) ~~Remediation/preventative~~ **Remediation and preventive**
 10 **remediation.**
 11 (F) Technology preparation.
 12 (6) Advanced placement, including the following:
 13 (A) For advanced placement tests, the number and percentage
 14 of students:
 15 (i) scoring three (3), four (4), and **five (5); or and**
 16 (ii) participating.
 17 (B) For the Scholastic Aptitude Test: ~~the number and~~
 18 ~~percentage of students:~~
 19 (i) ~~above a designated proficient score; test scores; and~~
 20 (ii) ~~above a designated advanced score; or~~
 21 ~~(iii) the number and percentage of students~~ participating.
 22 (7) Course completion, including the number and percentage of
 23 students completing the following programs:
 24 (A) Academic honors diploma.
 25 (B) Core 40 curriculum.
 26 (C) Vocational programs.
 27 (8) The percentage of graduates who pursue higher education.
 28 (9) School safety, including the number and percentage of
 29 students receiving suspension or expulsion for the possession of
 30 alcohol, drugs, or weapons.
 31 (10) Financial information relevant to performance.
 32 SECTION 3. IC 20-1-1.8-22 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 22. (a) To evaluate the
 34 effectiveness of step ahead as the program relates to the step ahead
 35 goals listed in section 12 of this chapter, the panel shall employ the
 36 following assessment mechanisms:
 37 (1) The step ahead county coordinator shall annually report to the
 38 panel on the development, quality, and appropriateness of the
 39 individual family service plans for children whose parents qualify
 40 under the income eligibility guidelines.
 41 (2) The step ahead county coordinator shall annually report to the
 42 panel on the number of children who:



1 (A) are utilizing step ahead services; and

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

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

11 ~~(4) (3) Any other valid assessment technique or method approved~~
 12 ~~by the panel.~~

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

16 SECTION 4. IC 20-1-21-4 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. (a) Not earlier than
 18 September 1 or later than September 15 of each year, the governing
 19 body of a school corporation shall publish an annual performance
 20 report of the school corporation, in compliance with the procedures
 21 identified in section 8 of this chapter. The report must be published one
 22 (1) time annually under IC 5-3-1.

23 **(b) Notwithstanding IC 5-3-1-1(c), the annual performance**
 24 **report of the school corporation may include the following:**

25 **(1) Type larger than the type used in the regular reading**
 26 **matter of the newspaper or qualified publication.**

27 **(2) Graphics.**

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

29 **However, the basic charge for publishing the annual performance**
 30 **report remains the charge for the lines as computed with the**
 31 **formula established in IC 5-3-1-1(b). To determine the charge for**
 32 **publishing the annual performance report, advertising space**
 33 **devoted to graphics, type larger than the type used in the regular**
 34 **reading matter of the newspaper or qualified publication, and**
 35 **other typographical methods to enhance the report shall be**
 36 **converted to the number of lines of regular reading matter that**
 37 **would have normally occupied the same space.**

38 SECTION 5. IC 20-1-21-9 IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 9. The report must
 40 include the following benchmarks:

41 (1) Graduation rate.

42 (2) Attendance rate.



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- 1 (3) ISTEP test scores or, for a freeway school, scores on a locally
 2 adopted assessment program, if appropriate. ~~including the number~~
 3 ~~and percentage of students:~~
 4 (A) ~~meeting an advanced standard; or~~
 5 (B) ~~meeting a proficient standard.~~
 6 (4) Actual class size.
 7 (5) The number and percentage of students in the following
 8 groups or programs:
 9 (A) At risk.
 10 (B) Vocational education.
 11 (C) Special education.
 12 (D) Gifted or talented.
 13 (E) ~~Remediation/preventative~~ **Remediation and preventive**
 14 **remediation.**
 15 (6) Advanced placement, including the following:
 16 (A) For advanced placement tests, the number and percentage
 17 of students:
 18 (i) scoring three (3), four (4), and **five (5); or and**
 19 (ii) participating.
 20 (B) For the Scholastic Aptitude Test: ~~the number and~~
 21 ~~percentage of students:~~
 22 (i) ~~above a designated proficient score; test scores; and~~
 23 (ii) ~~above a designated advanced score; or~~
 24 (iii) **the number and percentage of students** participating.
 25 (7) Course completion, including the number and percentage of
 26 students completing the following programs:
 27 (A) Academic honors diploma.
 28 (B) Core 40 curriculum.
 29 (C) Vocational programs.
 30 (8) The percentage of graduates who pursue higher education.
 31 (9) School safety, including the number and percentage of
 32 students receiving suspension or expulsion for the possession of
 33 alcohol, drugs, or weapons.
 34 (10) Financial information relevant to performance.
 35 SECTION 6. IC 20-3.1-15-1 IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. To provide the board
 37 with the necessary flexibility and resources to carry out this article, the
 38 following apply:
 39 (1) The board may eliminate or modify existing policies and
 40 create new policies, and alter policies from time to time, subject
 41 to this article and the plan developed under IC 20-3.1-7.
 42 (2) IC 20-7.5 does not apply to matters set forth in this article.



- 1 The matters set forth in this article may not be the subject of
 2 collective bargaining or discussion under IC 20-7.5.
- 3 (3) An exclusive representative certified under IC 20-7.5 to
 4 represent certified employees of the school city, or any other
 5 entity voluntarily recognized by the board as a representative of
 6 employees providing educational services in the schools, may
 7 bargain collectively only concerning salary, wages, and salary and
 8 wage related fringe benefits. The exclusive representative may not
 9 bargain collectively or discuss performance awards under
 10 IC 20-3.1-12.
- 11 (4) The board of school commissioners may waive the following
 12 statutes and rules for any school in the school city without the
 13 need for administrative, regulatory, or legislative approval:
- 14 (A) The following rules concerning curriculum and
 15 instructional time:
 16 511 IAC 6.1-3-4
 17 511 IAC 6.1-5-0.5
 18 511 IAC 6.1-5-1
 19 511 IAC 6.1-5-2.5
 20 511 IAC 6.1-5-3.5
 21 511 IAC 6.1-5-4
- 22 (B) The following rules concerning pupil/teacher ratios:
 23 511 IAC 6-2-1(b)(2)
 24 511 IAC 6.1-4-1
- 25 (C) The following statutes and rules concerning textbooks, and
 26 rules adopted under the statutes:
 27 IC 20-10.1-9-1
 28 IC 20-10.1-9-18
 29 IC 20-10.1-9-21
 30 IC 20-10.1-9-23
 31 ~~IC 20-10.1-9-27~~
 32 IC 20-10.1-10-1
 33 IC 20-10.1-10-2
 34 511 IAC 6.1-5-5
- 35 (D) The following rules concerning school principals:
 36 511 IAC 6-2-1(c)(4)
 37 511 IAC 6.1-4-2
- 38 (E) 511 IAC 2-2, concerning school construction and
 39 remodeling.
- 40 (5) Notwithstanding any other law, a school city may do the
 41 following:
 42 (A) Lease school transportation equipment to others for

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- 1 nonschool use when the equipment is not in use for a school
 2 city purpose.
- 3 (B) Establish a professional development and technology fund
 4 to be used for:
- 5 (i) professional development; or
 6 (ii) technology, including video distance learning.
- 7 (C) Transfer funds obtained from sources other than state or
 8 local government taxation among any account of the school
 9 corporation, including a professional development and
 10 technology fund established under clause (B).
- 11 (6) Transfer funds obtained from property taxation among the
 12 general fund (established under IC 21-2-11) and the school
 13 transportation fund (established under IC 21-2-11.5), subject to
 14 the following:
- 15 (A) The sum of the property tax rates for the general fund and
 16 the school transportation fund after a transfer occurs under this
 17 subdivision may not exceed the sum of the property tax rates
 18 for the general fund and the school transportation fund before
 19 a transfer occurs under this clause.
- 20 (B) This clause does not allow a school corporation to transfer
 21 to any other fund money from the debt service fund
 22 (established under IC 21-2-4).
- 23 SECTION 7. IC 20-5-7-0.5 IS ADDED TO THE INDIANA CODE
 24 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 25 1, 1999]: **Sec. 0.5. As used in this chapter, "treasurer" includes an
 26 assistant treasurer or a deputy treasurer.**
- 27 SECTION 8. IC 20-5-7-1 IS AMENDED TO READ AS FOLLOWS
 28 [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) Every public school in the
 29 state of Indiana shall have a treasurer for the purpose of this chapter
 30 who shall be the superintendent or principal of the particular school or
 31 some clerk of the school corporation or member of the faculty
 32 appointed by such superintendent or principal, such designation to be
 33 made immediately upon the opening of the school term or the vacating
 34 of such treasurership. All claims shall be filed and paid in accordance
 35 with the terms of section 2 of this chapter, and the power to appoint and
 36 engage such school treasurer or clerk is hereby granted to the
 37 employing and/or appointing officials of the school.
- 38 (b) **A school corporation may appoint one (1) or more assistant
 39 or deputy treasurers.**
- 40 SECTION 9. IC 20-5-62-5 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. Notwithstanding any
 42 other law, the operation of the following is suspended for a freeway

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1 school corporation or a freeway school if the governing body of the
 2 school corporation elects to have the specific statute or rule suspended
 3 in the contract:

4 (1) The following statutes and rules concerning curriculum and
 5 instructional time:

6 IC 20-10.1-2-2

7 IC 20-10.1-4-6

8 IC 20-10.1-4-7

9 IC 20-10.1-4-9.1

10 511 IAC 6-7-6

11 511 IAC 6.1-3-4

12 511 IAC 6.1-5-0.5

13 511 IAC 6.1-5-1

14 511 IAC 6.1-5-2.5

15 511 IAC 6.1-5-3.5

16 511 IAC 6.1-5-4

17 (2) The following rules concerning pupil/teacher ratios:

18 511 IAC 6-2-1(b)(2)

19 511 IAC 6.1-4-1

20 (3) The following statutes and rules concerning textbooks:

21 IC 20-10.1-9-1

22 IC 20-10.1-9-18

23 IC 20-10.1-9-21

24 IC 20-10.1-9-23

25 ~~IC 20-10.1-9-27~~

26 IC 20-10.1-10-1

27 IC 20-10.1-10-2

28 511 IAC 6.1-5-5

29 (4) 511 IAC 6-7, concerning graduation requirements.

30 (5) 511 IAC 6-2-1(c)(4), concerning pupil/principal ratios.

31 (6) 511 IAC 2-2, concerning school construction and remodeling.

32 (7) IC 20-1-1.2, concerning the performance-based accreditation
 33 system.

34 (8) IC 20-10.1-16, concerning the ISTEP program established
 35 under IC 20-10.1-16-8, if an alternative locally adopted norm and
 36 criterion referenced assessment program is adopted under section
 37 6(7) of this chapter.

38 SECTION 10. IC 20-8.1-9-3 IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. (a) If a parent of a
 40 child or an emancipated minor who is enrolled in a public school in
 41 ~~grades K-12~~, **kindergarten through grade 12** meets the financial
 42 eligibility standard under section 2 of this chapter, the parent or the

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1 emancipated minor may not be required to pay the fees for school
2 books, supplies, or other required class fees. Such fees shall be paid by
3 the school corporation in which the child resides.

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

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

12 SECTION 11. IC 20-8.1-9-9 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 9. (a) If a determination
14 is made that the applicant is eligible for assistance, the school
15 corporation shall pay the cost of the student's required fees.

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

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

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

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

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

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

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

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

37 ~~(3) that each textbook described in subdivision (2)(A) and~~
38 ~~included in the reimbursement request (except those textbooks~~
39 ~~used in special education classes and gifted and talented classes)~~
40 ~~has been adopted by the state board of education under~~
41 ~~IC 20-10.1-9-1 or has been waived by the state board of education~~
42 ~~under IC 20-10.1-9-27;~~



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

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1 the governing body of the school corporation.

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

7 SECTION 12. IC 20-8.1-9-9.5 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 9.5. (a) If a parent of a
9 child or an emancipated minor who is enrolled in an accredited
10 nonpublic school meets the financial eligibility standard under section
11 2 of this chapter, the parent or the emancipated minor may receive a
12 reimbursement from the department as provided in this chapter for the
13 costs or some of the costs incurred by the parent or emancipated minor
14 in fees that are reimbursable under section 9 of this chapter. The extent
15 to which the fees are reimbursable under this section may not exceed
16 the percentage rates of reimbursement under section 9 of this chapter.
17 In addition, if a child enrolls in an accredited nonpublic school after the
18 initial request for reimbursement is filed under subsection (b), the
19 parent of the child or the emancipated minor who meets the financial
20 eligibility standard may receive a reimbursement from the department
21 for the costs or some of the costs incurred in fees that are reimbursable
22 under section 9 of this chapter by applying to the accredited nonpublic
23 school for assistance. In this case, the provisions of this section apply,
24 except that section 9.6 of this chapter applies to the making of the
25 supplemental request for reimbursement by the principal or other
26 designee of the accredited nonpublic school.

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

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

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

34 (d) The parent or emancipated minor shall submit the application to
35 the accredited nonpublic school. The accredited nonpublic school shall
36 make a determination of financial eligibility subject to appeal by the
37 parent or emancipated minor.

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

40 (f) In order to be guaranteed some level of reimbursement from the
41 department, the principal or other designee shall submit the
42 reimbursement request before November 1 of a school year.



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(g) In its request, the principal or other designee shall certify to the department:

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

(2) the costs incurred in providing:

(A) textbooks (including textbooks used in special education and gifted and talented classes); and

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

~~(3) that each textbook described in subdivision (2)(A) and included in the reimbursement request (except those textbooks used in special education classes and gifted and talented classes) has been adopted by the state board of education under IC 20-10.1-9-1 or has been waived by the state board of education under IC 20-10.1-9-27;~~

~~(4) (3) that the amount of reimbursement requested for each textbook under subdivision (3) does not exceed twenty percent (20%) of the costs incurred for the textbook, as provided in the textbook adoption list in each year of the adoption cycle;~~

~~(5) (4) that the amount of reimbursement requested for each workbook or consumable textbook (or other consumable teaching material used in special education and gifted and talented classes) under subdivision (2)(B), if applicable, does not exceed one hundred percent (100%) of the costs incurred for the workbook or consumable textbook (or other consumable teaching material used in special education and gifted and talented classes);~~

~~(6) (5) that the amount of reimbursement requested for each textbook used in special education and gifted and talented classes is amortized for the number of years in which the textbook is used; and~~

~~(7) (6) any other information required by the department, including copies of purchase orders used to acquire consumable teaching materials used in special education and gifted and talented classes.~~

(h) If the amount of reimbursement requested before November 1 of a particular school year exceeds the amount of money appropriated to the department for this purpose, the department shall proportionately reduce the amount of reimbursement to each accredited nonpublic

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1 school. An accredited nonpublic school may submit a supplemental
 2 reimbursement request under section 9.6 of this chapter. The parent or
 3 emancipated minor is entitled to receive a supplemental reimbursement
 4 only if there are funds available. The department shall proportionately
 5 reduce the amount of supplemental reimbursement to the accredited
 6 nonpublic schools if the amount requested exceeds the amount of
 7 money available to the department for this purpose.

8 (i) The accredited nonpublic school shall distribute the money
 9 received under this chapter to the appropriate eligible parents or
 10 emancipated minors.

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

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

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

18 SECTION 13. IC 20-10.1-9-1 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) Subject to
 20 subsection ~~(c)~~; **(b)**, the **Indiana** state board of education shall adopt
 21 textbooks and enter into contracts with publishers to furnish these
 22 textbooks at fixed prices. For each subject for which credit is given in
 23 the public schools and for each grade, the board shall adopt as many
 24 textbooks as it finds are satisfactory. In addition to adopting textbooks
 25 under this section, the board may recommend to school corporations as
 26 many as seven (7) textbooks from the list of adopted textbooks that the
 27 board finds most satisfactory. The board shall make regular adoptions
 28 and contracts each year for every subject in one (1) subject
 29 classification under section 4 of this chapter. These contracts shall be
 30 for six (6) years. The board in its call for bids may exempt a certain
 31 textbook category or categories in nonrequired subject matter areas
 32 from being bid.

33 (b) If a textbook:

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

38 ~~(2) the publisher does not submit a bid proposal for that textbook~~
 39 ~~at the next regular adoption of textbooks for that subject;~~

40 ~~a school corporation may continue to use that textbook unless the board~~
 41 ~~finds that the textbook is no longer satisfactory. This subsection does~~
 42 ~~not require a publisher to submit a bid or enter into a contract for the~~



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1 continued sale of such a textbook. A textbook whose continued use is
 2 authorized by this subsection may be used for a maximum of six (6)
 3 years after the expiration of its original adoption:

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

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

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

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

11 SECTION 14. IC 20-10.1-9-5 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. The **Indiana** state
 13 board of education may, at any time, make additional adoptions as new
 14 textbooks become available. ~~or as waivers are granted under section 27~~
 15 ~~of this chapter.~~ A contract for a textbook that was adopted after regular
 16 adoption shall expire at the same time as contracts which were entered
 17 into at the regular time for adoptions of textbooks in that subject.

18 SECTION 15. IC 20-10.1-9-21 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 21. (a) The
 20 superintendent shall be responsible for the establishment of procedures
 21 for textbook adoption. The procedures must include the involvement
 22 of teachers and parents on an advisory committee for the preparation
 23 of recommendations for textbook adoptions. The majority of the
 24 members of the advisory committee must be teachers, and not less than
 25 forty percent (40%) of the committee must be parents. These
 26 recommendations shall be submitted to the superintendent in
 27 accordance with the established procedures in the local school
 28 corporation. **A recommendation submitted under this subsection**
 29 **may be one (1) of the following:**

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

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

33 (b) The governing body, upon receiving these recommendations,
 34 ~~from the superintendent;~~ shall adopt from the state textbook adoption
 35 lists a textbook for use in teaching each subject in the school
 36 corporation. **do either of the following:**

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

38 (2) **Adopt textbooks that do not appear on the state adoption**
 39 **list.**

40 **The governing body shall adopt textbooks on a cycle that coincides**
 41 **with the state adoption cycle under section 4 of this chapter.**

42 (c) A special committee of teachers and parents may also be

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1 appointed to review books, magazines, and audiovisual material used
 2 or proposed for use in the classroom to supplement state adopted
 3 textbooks and may make recommendations to the superintendent and
 4 the governing body concerning the use of this material.

5 (d) Each textbook selected shall be used for the lesser of:

6 (1) six (6) years; or

7 (2) the effective period of the state board of education's adoption
 8 of that textbook.

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

12 SECTION 16. IC 20-10.1-9-22 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 22. After a local
 14 superintendent has selected textbooks under this chapter, and not later
 15 than July 1, when new contracts become effective, he the
 16 superintendent shall forward to the Indiana state board of education
 17 a list of those selections for all subjects and grades. The board shall
 18 examine these lists; and, if the board finds a deviation from the state
 19 adopted list and that there has been no waiver granted under section 27
 20 of this chapter, the board shall notify the local superintendent of the
 21 deviation. If the school corporation does not comply with this chapter
 22 within thirty (30) days of receiving the notification, the board shall
 23 cancel the accreditation of the offending schools.

24 SECTION 17. IC 20-10.1-10-2 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) Each governing
 26 body may purchase from a contracting publisher, at the net contract
 27 price or at any subsequent lower price, any textbook adopted by the
 28 Indiana state board of education and or selected by the proper local
 29 officials, and may rent these textbooks to students enrolled in any
 30 public or nonpublic school which is in compliance with the minimum
 31 certification standards of the state board of education and is located
 32 within the attendance unit served by the governing body, at an annual
 33 rental not to exceed twenty-five percent (25%) of the retail price of the
 34 textbooks.

35 (b) However, the governing body may not assess a rental fee of
 36 more than fifteen percent (15%) of the retail price of a textbook that is
 37 used for more than six (6) years. has been:

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

39 (2) extended for usage by students under IC 20-10.1-9-1(b); and

40 (3) paid for through rental fees previously collected.

41 (c) This section does not limit any other laws but is supplementary.

42 SECTION 18. IC 20-10.1-22-3 IS AMENDED TO READ AS



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1 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. (a) The types of
 2 initiatives for which money appropriated to the program may be
 3 utilized include the following:

4 (1) Conducting feasibility studies concerning the following:

5 (A) Mandating full-day or half-day kindergarten programs.

6 (B) Choice of enrollment programs.

7 (C) Establishing magnet schools.

8 (2) An evaluation of P.L.390-1987(ss).

9 (3) Exploring different or expanded testing methods.

10 (4) An evaluation of the primetime program under IC 21-1-30.

11 ~~(5) Administering pilot programs concerning school academic~~
 12 ~~readiness factors of students in kindergarten and grades 1 and 2.~~

13 ~~(6) (5) Studying the implications of offering preschool programs~~
 14 ~~for special education students.~~

15 ~~(7) Conducting the student services programs under~~
 16 ~~IC 20-10.1-23.~~

17 ~~(8) (6) The Indiana writing project.~~

18 (b) The evaluation of P.L.390-1987(ss) and the primetime program
 19 described in subsection (a)(2) and (a)(4) shall be conducted by an
 20 entity other than the department under a contract entered into by the
 21 department.

22 ~~(c) The student services programs under subsection (a)(7) shall be~~
 23 ~~funded under the program based upon criteria approved by the~~
 24 ~~department. The programs must include a study of:~~

25 ~~(1) the role of the public school guidance counselor; and~~

26 ~~(2) the guidance counselor proficiency statements developed~~
 27 ~~under P.L.342-1989(ss); SECTION 39; as approved by the~~
 28 ~~department.~~

29 SECTION 19. THE FOLLOWING ARE REPEALED [EFFECTIVE
 30 JULY 1, 1999]: IC 20-1-6.2; IC 20-6.1-7; IC 20-8.1-3-19;
 31 IC 20-8.1-10; IC 20-10.1-13; IC 20-10.1-14; IC 20-10.1-19;
 32 IC 20-10.1-21; IC 20-10.1-23-3; IC 20-10.1-23-4; IC 20-10.1-24;
 33 IC 20-10.1-27.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1172, 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 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 20-1-1.2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 6. (a) Each school shall submit to the department the following benchmarks:

- (1) Graduation rate.
- (2) Attendance rate.
- (3) ISTEP scores, or, for a freeway school, scores on a locally adopted assessment program, if appropriate. ~~including the number and percentage of students:~~
 - (A) ~~meeting an advanced standard;~~ or
 - (B) ~~meeting a proficient standard.~~
- (4) Actual class size.
- (5) The number and percentage of students in the following groups or programs:
 - (A) At risk.
 - (B) Vocational education.
 - (C) Special education.
 - (D) Gifted or talented.
 - (E) ~~Remediation/preventative~~ **Remediation and preventive remediation.**
 - (F) Technology preparation.
- (6) Advanced placement, including the following:
 - (A) For advanced placement tests, the number and percentage of students:
 - (i) scoring three (3), four (4), and (5); ~~or~~ **and**
 - (ii) participating.
 - (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.

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- (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.

(b) The superintendent and board shall determine which benchmarks under subsection (a) are appropriate benchmarks for performance based accreditation under IC 20-1-1.3-3."

Page 14, line 35, after "that" insert "**is used for more than six (6) years.**".

Page 14, strike lines 36 through 39.

Page 15, line 31, delete "IC 20-10.1-23;" and insert "IC 20-10.1-23-3; IC 20-10.1-23-4;"

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1172 as introduced.)

PORTER, Chair

Committee Vote: yeas 12, nays 0.

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