

HOUSE BILL No. 1860

DIGEST OF HB 1860 (Updated March 1, 1999 1:01 pm - DI 02)

Citations Affected: IC 20-1; IC 20-5.5; IC 20-10.1.

Synopsis: School quality and innovations; charter schools. Provides that the governing body of a school corporation may establish an Indiana school quality and academic progress innovation program for one or more schools in the school corporation. Establishes three grant programs for school corporations: (1) school improvement grants; (2) Bardrige Program pilot project grants; and (3) professional development match grants. Provides for the establishment of public charter schools. Sets forth the description, general powers, student and teacher matters, application requirements, application procedures, budgets and funding, operation and oversight, and charter revocation procedures for public charter schools. Limits the number of charter schools that may be established. Establishes the Indiana school quality and best practices resource center as a public private partnership to provide expertise and training in school quality matters. Repeals the
(Continued next page)

Effective: July 1, 1999; June 30, 2000.

Porter

January 26, 1999, read first time and referred to Committee on Education.
February 22, 1999, amended, reported — Do Pass; referred to Committee on Ways and Means pursuant to House Rule 127.
March 1, 1999, amended, reported — Do Pass.

HB 1860—LS 7661/DI 2+



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Digest Continued

Indiana school academic improvement law and the freeway schools law. Makes conforming amendments.

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HB 1860—LS 7661/DI 2+



March 2, 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. 1860

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 20-1-1-6.3 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 6.3. (a) As used in this
3 section, "governing body" refers to the governing body of a school
4 corporation.
5 (b) **As used in this section, "grant" refers to a school**
6 **improvement grant established by subsection (j).**
7 ~~(b)~~ (c) As used in this section, "program" refers to an Indiana school
8 **quality and academic improvement progress innovation** program
9 established under this section.
10 ~~(c)~~ (d) The board shall permit the governing body to establish an
11 Indiana school **quality and academic improvement progress**
12 **innovation** program **for one (1) or more schools in the school**
13 **corporation.**
14 (e) **A program must include the following components:**
15 (1) **Academic standards equal to or greater than state**

HB 1860—LS 7661/DI 2+



- 1 **requirements.**
- 2 **(2) Quality assurance benchmarks.**
- 3 **(3) Best curriculum and instruction practices.**
- 4 **(4) Family and community involvement strategies.**
- 5 **(f)** The governing body may do the following for a school that
- 6 participates in ~~the a~~ program:
- 7 (1) Invoke a waiver of any rule adopted by the board (except a
- 8 rule adopted under this section).
- 9 (2) Develop a plan for the admission of students to the school who
- 10 do not reside in the school's attendance area but who have legal
- 11 settlement within the school corporation.
- 12 ~~(d)~~ **(g)** In approving school corporations under this section, the
- 13 board shall consider whether the governing body has done the
- 14 following for **a school's** participation in the program:
- 15 (1) Established ~~an Indiana school academic improvement a~~
- 16 program.
- 17 (2) Adopted academic education goals.
- 18 (3) Established a community-wide strategy for achieving those
- 19 academic goals.
- 20 (4) Developed a report card for measuring a participating school's
- 21 progress in achieving those academic goals.
- 22 (5) Demonstrated community support for participation in the
- 23 program, including the support of the exclusive representative.
- 24 **(6) Provided for progress toward locally designated**
- 25 **benchmarks that are consistent with the state's educational**
- 26 **goals in all areas measured or indicated on the school**
- 27 **corporation annual performance report required by**
- 28 **IC 20-1-21.**
- 29 **(7) Placed funding priority in areas where measurable results**
- 30 **can be gained as depicted by the following:**
- 31 **(A) Indicators on the school corporation annual**
- 32 **performance report required by IC 20-1-21.**
- 33 **(B) Other areas where measures may be developed.**
- 34 ~~(e)~~ **(h)** With the approval of the governing body, the board may **do**
- 35 **the following:**
- 36 (1) Designate a single school, more than one (1) school, or every
- 37 school within a particular school corporation to participate ~~under~~
- 38 ~~this section:~~
- 39 ~~(f)~~ **(f)** With the approval of the governing body, the board may **in a**
- 40 **program.**
- 41 (2) Waive any statute relating to curriculum or textbook selection
- 42 on behalf of a school or school corporation participating under



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1 this section.

2 ~~(g)~~ Funds available for school improvements under IC 20-10.1-26
3 (twenty-first century schools pilot program) may be expended to fund
4 the program.

5 ~~(h)~~ (i) As part of the program, the governing body may develop and
6 implement a plan to do the following:

7 (1) Allow for the transfer of a student who resides in the school's
8 attendance area but whose parent or legal guardian requests that
9 the student attend another school within the school corporation of
10 legal settlement.

11 (2) Allow a school that has established a program to offer
12 alternatives to participation in the program.

13 (3) Inform parents of their rights under this section.

14 **(j) A school improvement grant is established for school**
15 **corporations. Each school corporation that complies with the**
16 **requirement of this subsection for receiving a grant is eligible to**
17 **receive a grant. A school corporation must request a grant by:**

18 **(1) applying to the board for a grant; and**

19 **(2) submitting to the board a school improvement plan that**
20 **meets the following requirements:**

21 **(A) Be approved by the governing body of the school**
22 **corporation.**

23 **(B) Clearly and concisely indicate how the school**
24 **corporation will use the grant.**

25 **(C) Do the following:**

26 **(i) Identify each specific area of student performance or**
27 **school performance that the school corporation targets**
28 **for improvement.**

29 **(ii) Identify each state educational goal, objective, or**
30 **expectation in which the school corporation intends to**
31 **accomplish improvement.**

32 **(iii) Set defined benchmarks related to each state**
33 **educational goal, objective, or expectation identified**
34 **under subdivision (2).**

35 **(iv) Establish an evaluation method to assess**
36 **improvement that includes information on how the**
37 **school corporation will measure results.**

38 **(v) Establish an evaluation method to assess**
39 **improvement that is consistent with the measures used**
40 **on the school corporation annual performance report or**
41 **appropriate national models if the indicator is not on the**
42 **school corporation annual performance report.**



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1 (vi) State the school corporation's plans and methods for
2 sustaining improvement after the grant funds are spent.

3 (k) The department of education shall distribute to school
4 corporations any money that becomes available for distribution for
5 programs under this section.

6 (†) (I) The board shall adopt rules under IC 4-22-2 to implement this
7 section.

8 SECTION 2. IC 20-1-2.1 IS ADDED TO THE INDIANA CODE
9 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 1999]:

11 **Chapter 2.1. Baldrige Program Pilot Project Grant**

12 **Sec. 1. As used in this chapter, "Baldrige Program" refers to a**
13 **program that meets the requirements of the Malcolm Baldrige**
14 **National Quality Award criteria.**

15 **Sec. 2. As used in this chapter, "board" has the meaning set**
16 **forth in IC 20-10.1-1-17.**

17 **Sec. 3. As used in this chapter, "pilot project grant" refers to a**
18 **Baldrige Program pilot project grant established under section 6**
19 **of this chapter.**

20 **Sec. 4. As used in this chapter, "school" refers to a public school**
21 **(as defined in IC 20-10.1-1-2).**

22 **Sec. 5. As used in this chapter, "school corporation" has the**
23 **meaning set forth in IC 21-3-1.6-1.1(a).**

24 **Sec. 6. The Baldrige Program pilot project grant is established**
25 **to assist school corporations to implement a Baldrige Program**
26 **design for systemic improvement that does the following:**

27 (1) Aligns all of a school corporation's programs, services,
28 processes, and activities with a system of standards,
29 assessment, and accountability.

30 (2) Designs systemic change in the school corporation using
31 the Baldrige design, which connects every component of a
32 school corporation's operations with a set of goals, objectives,
33 and expectations that meet or exceed the state's educational
34 goals.

35 (3) Emphasizes quality through a customer (or stakeholder)
36 driven philosophy.

37 (4) Is based on the Baldrige Program criteria as described as
38 follows:

39 (A) The purposes of the Baldrige Program criteria for
40 education, as follows:

41 (i) To help improve school performance practices by
42 making available an integrated, results oriented set of



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1 key performance requirements.

2 (ii) To facilitate communications and sharing of best
3 practices information within and among schools of all
4 types based upon a common understanding of key
5 performance requirements.

6 (iii) To foster the development of partnerships involving
7 schools, businesses, human service agencies, and other
8 organizations.

9 (iv) To serve as a working tool for improving school
10 performance, planning, training, and institutional
11 assessment.

12 (B) The following are the Baldrige Program criteria for
13 education:

14 (i) Leadership.

15 (ii) Information and analysis.

16 (iii) Strategic and operational planning.

17 (iv) Human resource development and management.

18 (v) Educational and business process management.

19 (vi) School performance results.

20 (vii) Student focus and student stakeholder satisfaction.

21 (C) The Baldrige Program criteria are designed to help
22 schools improve their educational services through focus
23 on the following dual, results oriented goals:

24 (i) Delivery of constantly improving educational value to
25 students, contributing to their overall development and
26 well-being.

27 (ii) Improvement of overall school effectiveness, use of
28 resources, and capabilities.

29 **Sec. 7. A school corporation may request a pilot project grant**
30 **by submitting to the board a pilot project grant proposal that is**
31 **approved in the same manner that a plan is approved under**
32 **IC 20-1-1-6.3(g).**

33 **Sec. 8. (a) The board, in consultation with the superintendent of**
34 **public instruction and the governor, shall:**

35 (1) review pilot project grant proposals; and

36 (2) select a number of school corporations to receive a pilot
37 project grant.

38 (b) Subject to available appropriations for pilot project grants,
39 the awarding authorities shall determine the number of pilot
40 project grants and the amount of each grant. However, if more
41 school corporations submit pilot project grant proposals than
42 funds are available for pilot project grants, the board shall select



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1 grant recipients in a manner that results in pilot projects being
2 conducted throughout the state by school corporations having a
3 variety of enrollment sizes.

4 **Sec. 9. The amount that a school corporation receives as a pilot**
5 **project grant is excluded from previous year revenue for purposes**
6 **of calculations under IC 21-3-1.7.**

7 SECTION 3. IC 20-1-2.2 IS ADDED TO THE INDIANA CODE
8 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 1999]:

10 **Chapter 2.2. Professional Development Match Grant**

11 **Sec. 1. As used in this chapter, "board" has the meaning set**
12 **forth in IC 20-10.1-1-17.**

13 **Sec. 2. As used in this chapter, "department" has the meaning**
14 **set forth in IC 20-10.1-1-18.**

15 **Sec. 3. As used in this chapter, "school" refers to a public school**
16 **(as defined in IC 20-10.1-1-2).**

17 **Sec. 4. As used in this chapter, "school corporation" has the**
18 **meaning set forth in IC 21-3-1.6-1.1(a).**

19 **Sec. 5. The professional development match grant is established**
20 **to provide money to:**

- 21 (1) school corporations; or
 - 22 (2) accredited colleges or universities in Indiana;
- 23 to use as matching funds for participation in federal professional
24 development grant programs.

25 **Sec. 6. A school corporation or an accredited college or**
26 **university in Indiana may request a professional development**
27 **match grant by submitting to the department a grant proposal that**
28 **meets the following requirements:**

- 29 (1) Is approved in the same manner that a plan is approved
30 under IC 20-1-1-6.3(g) or by the accredited college or
31 university.
- 32 (2) Meets the professional development criteria established by
33 the board and the professional standards board.
- 34 (3) Is aligned in professional development design with the
35 state's student standards.

36 **Sec. 7. (a) The following, acting jointly, shall review professional**
37 **development match grant proposals and recommend a number of**
38 **school corporations or accredited colleges or universities in**
39 **Indiana to receive grants, subject to the approval of the budget**
40 **agency after review by the budget committee:**

- 41 (1) The board.
- 42 (2) The commission for higher education.



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1 **(3) The professional standards board.**

2 **(4) The superintendent of public instruction.**

3 **(5) The governor.**

4 **(b) In making awards under subsection (a), the awarding**
 5 **authorities must give highest priority to grant proposals for**
 6 **programs that involve higher education and school or school**
 7 **corporation partnerships that include:**

8 **(1) at least one (1) accredited college or university partner;**
 9 **and**

10 **(2) ten (10) or more participating school corporations.**

11 **Sec. 8. (a) Subject to available appropriations for professional**
 12 **development match grants, the awarding authorities shall**
 13 **determine the number of match grants and the amount of each**
 14 **grant.**

15 **(b) The amount that a school corporation receives as a**
 16 **professional development match grant is excluded from previous**
 17 **year revenue for purposes of calculations under IC 21-3-1.7.**

18 SECTION 4. IC 20-1-1.3-1 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. As used in this
 20 chapter, "score" refers to the results of

21 **(+) the ISTEP program tests described in IC 20-10.1-16. or**

22 **(2) a locally adopted assessment program established under**
 23 **IC 20-5-62-6(7).**

24 SECTION 5. IC 20-5.5 IS ADDED TO THE INDIANA CODE AS
 25 A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 26 1999]:

27 **ARTICLE 5.5. PUBLIC CHARTER SCHOOLS**

28 **Chapter 1. Definitions**

29 **Sec. 1. The definitions in this chapter apply throughout this**
 30 **article.**

31 **Sec. 2. "Applicants" means the governing body, the exclusive**
 32 **representative, and any qualified third party, jointly.**

33 **Sec. 3. "At-risk student" means a student who is at risk under**
 34 **the criteria for determining the at-risk index of a school**
 35 **corporation under IC 21-3-1.8-1.1.**

36 **Sec. 4. "Charter agreement" means a written document that is**
 37 **submitted by the applicants, the terms of which comprise, within**
 38 **the limitations set forth in this article, the extent to which a charter**
 39 **school may operate.**

40 **Sec. 5. "Charter school" refers to a public school that:**

41 **(1) is nonsectarian, nonreligious, and nonhome based;**

42 **(2) is not a virtual school;**



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1 (3) has been designated under this article as a charter school;
 2 and
 3 (4) is a part of the school corporation where the charter
 4 school is located.
 5 Sec. 6. "Charter school teacher" refers to a teacher who is
 6 employed in a charter school.
 7 Sec. 7. "Exclusive representative" has the meaning set forth in
 8 IC 20-7.5-1-2(1).
 9 Sec. 8. "Governing body" has the meaning set forth in
 10 IC 20-10.1-1-5.
 11 Sec. 9. "Governing entity" means a board charged by law with
 12 the responsibility of administering the affairs of a charter school
 13 that has licensed classroom teachers as at least the majority of the
 14 board's members.
 15 Sec. 10. "Person" has the meaning set forth in IC 6-1.1-1-10.
 16 Sec. 11. "School corporation" has the meaning set forth in
 17 IC 20-10.1-1-1.
 18 Sec. 12. "State board" refers to the Indiana state board of
 19 education established under IC 20-1-1-1.
 20 Sec. 13. "Teacher" means a school employee (as defined in
 21 IC 20-7.5-1-2(e)).
 22 Chapter 2. Charter School Description, General Powers, and
 23 Limitations
 24 Sec. 1. A charter school may be established under this article to
 25 provide innovative programs to do the following:
 26 (1) Serve the different learning styles and needs of certain
 27 public school students.
 28 (2) Provide expanded professional opportunities for charter
 29 school teachers and other charter school personnel.
 30 (3) Permit freedom from complying with and flexibility in
 31 addressing certain laws and regulations regarding the
 32 operation of a school.
 33 (4) Increase parental involvement.
 34 Sec. 2. The following apply to a charter school:
 35 (1) A charter school is part of the school corporation in which
 36 the charter school is located.
 37 (2) A charter school must operate under this article and under
 38 the terms of the charter school's approved charter agreement.
 39 (3) The governing entity of a charter school is accountable to
 40 the governing body and the state board for ensuring
 41 compliance with:
 42 (A) the charter agreement; and

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- 1 **(B) all applicable federal and state laws, including the**
 2 **Constitution of the United States and the Constitution of**
 3 **the State of Indiana.**
- 4 **(4) A charter school is subject to all federal and state laws and**
 5 **constitutional provisions prohibiting discrimination on the**
 6 **basis of disability, race, creed, color, gender, national origin,**
 7 **religion, ancestry, or need for special education services.**
- 8 **(5) A charter school is subject to any court ordered**
 9 **desegregation plan in effect for the school corporation where**
 10 **the charter school is located.**
- 11 **(6) A charter school may include any grade through grade 12**
 12 **or any configuration of those grades, including kindergarten**
 13 **and prekindergarten. If specified in the charter agreement, a**
 14 **charter school may operate an adult education program, adult**
 15 **high school completion program, or a general education**
 16 **development testing preparation program.**
- 17 **(7) A charter school may waive those specific statutes and**
 18 **rules listed in this chapter as waivable by a charter school.**
- 19 **(8) Only teachers, administrators, and other professionals**
 20 **who are licensed by the Indiana professional standards board**
 21 **may be assigned to a charter school.**
- 22 **(9) A charter school is subject to the bidding and wage**
 23 **determination laws and all other statutes and rules that apply**
 24 **to the construction of a public school.**
- 25 **(10) A charter school may not duplicate the following if the**
 26 **programs are established in another school in the school**
 27 **corporation:**
- 28 **(A) A cooperative program established under**
 29 **IC 20-10.1-6-7.**
- 30 **(B) Any apprenticeship program other than the program**
 31 **specified in clause (A).**
- 32 **Sec. 3. A governing entity must set specific geographic**
 33 **boundaries in which a charter school is authorized to serve with a**
 34 **specific student attendance unit from which the charter school's**
 35 **student population will be produced. However, the geographic**
 36 **boundaries and the student attendance unit may not extend beyond**
 37 **the boundaries of the school corporation in which the charter**
 38 **school is located.**
- 39 **Sec. 4. A charter school is prohibited from doing any of the**
 40 **following:**
- 41 **(1) Operating at a site or for grades other than as specified in**
 42 **the charter agreement.**

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(2) Charging tuition or imposing any other mandatory fees upon any student enrolled in the charter school in preschool special education or in kindergarten through grade 12.

However, a charter school may:

(A) charge fees for the same items or services that a noncharter public school in the school corporation may charge fees; and

(B) impose a prorated fee upon students to cover the cost of providing latch key programs or preschool regular education programs, if applicable.

(3) Except in cases where transfer tuition is authorized under IC 20-8.1-6.1, making enrollment in the charter school open to a student who resides:

(A) outside the geographic boundaries of the school corporation in which the charter school is located; and

(B) outside the attendance unit of the charter school established under section 5 of this chapter.

(4) Operating outside the geographic boundaries of the school corporation in which the charter school is located.

(5) Being located in a private residence.

(6) Providing home based instruction.

(7) Discriminating in enrollment on any basis, including disability, race, creed, color, gender, national origin, religion, ancestry, need for special education services, athletic performance, language proficiency, or a test score. However, a charter school may limit enrollment to a particular grade level or specialized educational focus.

Sec. 5. The following are subject to all open meeting, public record, and financial auditing and reporting requirements that are applicable to noncharter public schools:

(1) A charter school.

(2) On a matter concerning a charter school, an agency or entity that holds a contract with the charter school.

Sec. 6. Notwithstanding any other law and except as provided in this article, a charter school may waive compliance with the following:

(1) Concerning curriculum and instructional time, the following statutes and rules:

IC 20-10.1-2-2 (minimum school term)

IC 20-10.1-4-6 (safety education)

IC 20-10.1-4-7 (health education)

IC 20-10.1-4-9.1 (health education)

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- 1 **511 IAC 6-7-6 (graduation requirements)**
- 2 **511 IAC 6.1-3-4 (high school curriculum)**
- 3 **511 IAC 6.1-5-0.5 (curriculum principles)**
- 4 **511 IAC 6.1-5.1 (high school curriculum)**
- 5 **511 IAC 6.1-5-2.5 (elementary school curriculum)**
- 6 **511 IAC 6.1-5-3.5 (middle level curriculum)**
- 7 **511 IAC 6.1-5-4 (high school curriculum).**
- 8 **(2) Concerning textbooks, the following statutes and rules:**
- 9 **IC 20-10.1-9-1 (adoption)**
- 10 **IC 20-10.1-9-18 (contracts)**
- 11 **IC 20-10.1-9-21 (adoption)**
- 12 **IC 20-10.1-9-23 (repurchase)**
- 13 **IC 20-10.1-9-27 (waiver)**
- 14 **IC 20-10.1-10-1 (rental program)**
- 15 **IC 20-10.1-10-2 (rental program)**
- 16 **511 IAC 6.1-5-5 (selection).**
- 17 **(3) Concerning pupil/teacher ratios, the following rules:**
- 18 **511 IAC 6-2-1(b)(2) (determination of ratio)**
- 19 **511 IAC 6.1-4-1 (required ratio).**
- 20 **(4) Concerning graduation requirements, 511 IAC 6-7.**
- 21 **(5) Concerning pupil/principal ratios, 511 IAC 6-2-1(c)(4).**
- 22 **Sec. 7. This article may not be construed to waive, modify, or**
- 23 **otherwise affect the terms of a collective bargaining agreement**
- 24 **negotiated under IC 20-7.5.**
- 25 **Chapter 3. Student and Teacher Issues in Connection With**
- 26 **Charter School Matters**
- 27 **Sec. 1. (a) A student within a school corporation may not be**
- 28 **required to attend a charter school.**
- 29 **(b) The applicants, within the charter agreement, shall make**
- 30 **accommodation through a documented procedure to facilitate the**
- 31 **transfer of a student who does not wish to attend a charter school**
- 32 **into another appropriate public school within the school**
- 33 **corporation.**
- 34 **Sec. 2. The applicants, within the charter agreement, shall make**
- 35 **accommodation through a documented procedure to transfer an**
- 36 **eligible student who wishes to attend the charter school to the**
- 37 **charter school as space permits.**
- 38 **Sec. 3. A student who is not under a suspension or an expulsion**
- 39 **may withdraw from a charter school at any time and reenroll in**
- 40 **the noncharter public school within the school corporation that the**
- 41 **student is eligible to attend.**
- 42 **Sec. 4. A student may be suspended or expelled from a charter**

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1 school in accordance with the rules for suspensions or expulsions
2 adopted by:

3 (1) the charter school; or

4 (2) the governing body of a school corporation in which the
5 charter school is located;

6 whichever applies.

7 Sec. 5. (a) A teacher who is employed in a school corporation
8 may not be required to teach in a charter school.

9 (b) The applicants, within the charter agreement, shall make
10 accommodation through a documented procedure and in
11 compliance with the collective bargaining agreement to facilitate
12 the transfer of a teacher who does not wish to teach in a charter
13 school into another appropriate public school within the school
14 corporation.

15 Sec. 6. The applicants, within the charter agreement, shall make
16 accommodation through a documented procedure and in
17 compliance with the collective bargaining agreement to transfer a
18 teacher who wishes to teach in a charter school to the charter
19 school as openings permit.

20 Sec. 7. (a) A teacher's contract is not entitled to be canceled or
21 otherwise not renewed because the teacher does not wish to teach
22 in a charter school.

23 (b) Neither the establishment of nor any action taken in
24 connection with the establishment of a charter school within a
25 school corporation constitutes grounds for the cancellation of an
26 indefinite contract with a permanent or semipermanent teacher.

27 Sec. 8. This section applies to a teacher who is employed in a
28 noncharter school in a school corporation and transfers to a
29 charter school in the same school corporation or a teacher who
30 becomes employed by a school corporation and has not previously
31 engaged in a noncharter school teaching service in the school
32 corporation before being employed in a charter school in the school
33 corporation. The teacher:

34 (1) retains all rights and privileges bestowed under
35 IC 20-6.1-4, IC 20-6.1-5, and IC 20-6.1-6;

36 (2) does not lose the teacher's nonpermanent, semipermanent,
37 or permanent contract status with the school corporation; and

38 (3) continues to accrue years of service in the same manner
39 that the teacher accrued years of service in the noncharter
40 school for contract status, teacher retirement, and seniority
41 purposes.

42 Chapter 4. Charter School Applicants and Application

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1 **Requirements**

2 **Sec. 1. To initiate the process of establishing a charter school,**
 3 **the governing body of the school corporation in which the charter**
 4 **school is to be located, the exclusive representative, and any**
 5 **qualified third party must enter into a joint application as**
 6 **prescribed in IC 20-5.5-5.**

7 **Sec. 2. An application for the establishment of a charter school**
 8 **must be in the form of a proposed agreement and include at least**
 9 **the following:**

- 10 (1) **The mission statement of the charter school.**
- 11 (2) **The goals, objectives, and student performance standards**
 12 **to be achieved by the charter school.**
- 13 (3) **A description of the charter school's educational plan and**
 14 **program, student performance standards, and curriculum**
 15 **that:**
- 16 (A) **meets or exceeds any content standards adopted by or**
 17 **applicable to the school corporation where the charter**
 18 **school is located;**
- 19 (B) **meets or exceeds state standards, including the**
 20 **requirements of:**
- 21 (i) **educational proficiencies expected of students by the**
 22 **ISTEP program under IC 20-10.1-16; and**
- 23 (ii) **for high school, the Core 40 college preparation**
 24 **curriculum established by the board under**
 25 **IC 20-10.1-5.7-1; and**
- 26 (C) **is designed to enable each student to achieve the**
 27 **standards described in this subdivision.**
- 28 (4) **A description of:**
- 29 (A) **the charter school's plan for evaluating student**
 30 **performance;**
- 31 (B) **the types of assessments that will be used to measure**
 32 **student progress towards achievement of the school's**
 33 **student performance standards;**
- 34 (C) **the schedule for achievement of the standards**
 35 **described in clause (B); and**
- 36 (D) **the procedures for taking corrective action in the event**
 37 **that student performance at the charter school falls below**
 38 **the standards described in clause (B).**
- 39 (5) **Evidence that the plan for the charter school is**
 40 **economically sound for both the charter school and the school**
 41 **corporation, including:**
- 42 (A) **a proposed budget for the term of the charter;**



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- (B) a description of the manner in which an annual audit of the financial and administrative operations of the charter school, including any services provided by the school corporation, is to be conducted; and**
- (C) a plan for the displacement of students, teachers, and other employees who will not attend or be employed in the charter school.**
- (6) A description of the governance and operation of the charter school, including a description of the governing entity, the administration, and the operational plan of the charter school, including a certification that the governing entity is not authorized to contract out the duty to administer or operate the charter school to a person other than a licensed administrator or teacher who is otherwise employed by the school corporation.**
- (7) A plan describing the nature and extent to which parental and community involvement is required in the charter school.**
- (8) A listing of objective charter school performance criteria that will be used to measure student learning and that will be used to demonstrate compliance with the charter agreement.**
- (9) An agreement to provide an annual report to the state board indicating the progress and, if applicable, the lack of progress made at the charter school during the previous year in meeting the charter school mission and objectives.**
- (10) A plan for the transportation of charter school students.**
- (11) An indication of the location of the charter school, including certification that the charter school site conforms with all health and safety requirements of public school buildings. In addition, if the charter school is to be located at a site other than an existing public school building, a description of the provider of the site and the terms and conditions associated with acquisition of the site.**
- (12) A description of the support services that will be provided by the governing body and the circumstances under which those services will be provided.**
- (13) A description of the support services provided to the charter school by third parties and the circumstances under which those services are to be provided. However, this article does not authorize the governing entity or the governing body to enter into agreements with persons other than licensed administrators or teachers who are otherwise employed by the school corporation for:**

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- 1 (A) the administration and operation of the charter school;
- 2 and
- 3 (B) any other service for which a license is required.
- 4 (14) A description of the student enrollment procedures,
- 5 including nondiscriminatory criteria for admission in
- 6 accordance with applicable state and federal law.
- 7 (15) An explanation of the student discipline policy.
- 8 (16) A certification that all teachers and administrators in the
- 9 charter school are licensed under state law and regulation.
- 10 (17) A certification that the collective bargaining agreement
- 11 remains in effect for the charter school.
- 12 (18) A financial plan for the charter school, including:
- 13 (A) a proposed budget for the term of the charter
- 14 agreement;
- 15 (B) at least an annual audit of the financial and
- 16 administrative operations of the charter school; and
- 17 (C) the manner in which the funds allocated to the charter
- 18 school will be managed and disbursed.
- 19 (19) Written procedures by which the exclusive representative
- 20 of the certificated and noncertificated school employees and
- 21 the parents of students can legally challenge decisions of the
- 22 governing entity that do not conform to the charter
- 23 agreement.
- 24 (20) A listing of the statutes and rules under IC 20-5.5-2 that
- 25 the charter school expects to waive.
- 26 (21) A copy of the charter school's charter agreement, which
- 27 must address at least the items listed in the application under
- 28 this section.

29 **Sec. 3.** An applicant may not submit an application to do the
 30 following:

- 31 (1) Convert a nonpublic school into a charter school.
- 32 (2) Convert a home based school program into a charter
- 33 school.
- 34 (3) Create a virtual charter school.

35 **Sec. 4.** A charter school application is a matter of public record
 36 and shall be made available to the public upon request.

37 **Sec. 5.** The state board may adopt rules under IC 4-22-2 to
 38 implement this chapter.

39 **Chapter 5. Charter Application Process**

40 **Sec. 1.** A governing body shall receive and review all
 41 applications for charter schools within the school corporation.
 42 Applications must be filed with the governing body by October 1

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1 to be eligible for consideration for the following school year. The
2 governing body shall not charge any application fees.

3 Sec. 2. If the governing body finds that a charter school
4 application is incomplete, the governing body shall request the
5 necessary information from the charter applicant to complete the
6 application.

7 Sec. 3. After giving reasonable public notice, the governing body
8 shall hold community meetings in the affected areas or the entire
9 school corporation to obtain information to assist the governing
10 body to make the decision of whether to grant a charter for the
11 establishment of a charter school. *January 26 Education.*

12 Sec. 4. The governing body shall vote on the application for a
13 charter school in a public hearing, upon reasonable public notice,
14 within sixty (60) days after receiving the application. However, the
15 charter applicant and the governing body may jointly waive the
16 deadline in this section.

17 Sec. 5. If a governing body grants a charter, it shall send a copy
18 of the approved charter to the department within fifteen (15) days
19 after granting the charter.

20 Sec. 6. If a governing body denies a charter school application,
21 the governing body shall state the reasons for the denial.

22 Sec. 7. If a governing body denies a charter school application
23 or unilaterally imposes conditions that are unacceptable to the
24 charter applicant, the charter applicant may appeal the decision to
25 the board.

26 Chapter 6. Appeals; Standard of Review and Procedures

27 Sec. 1. The board, upon receipt of a notice of appeal or upon the
28 board's own motion, may in accordance with this chapter review
29 the decision of a governing body concerning a charter school.

30 Sec. 2. A charter applicant or any person who wishes to appeal
31 a decision of a governing body concerning a charter school shall
32 provide the board and the governing body with a notice of appeal
33 within thirty (30) days after the governing body's decision.

34 Sec. 3. If the appeal is for a denial, nonrenewal, or revocation of
35 a charter, the person bringing the appeal shall limit the grounds of
36 the appeal to the grounds specified by the governing body. The
37 notice must include a brief statement of the reasons the appellant
38 contends that the governing body's decision was in error.

39 Sec. 4. If the notice of appeal or a motion of the board to review
40 relates to a governing body's decision to deny, refuse to renew, or
41 revoke a charter or to a governing body's unilateral imposition of
42 conditions that are unacceptable to the charter school or the



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charter applicant, the appeal and review process is as follows:

(1) Within sixty (60) days after receipt of the notice of appeal or of the board making a motion to review and after reasonable public notice, the board, at a public hearing which may be held in the school corporation where the proposed charter school is located, shall review the decision of the governing body and make findings. If the board finds that the local board's decision was contrary to the best interests of the students, the school corporation, or the community, the board shall remand the decision to the governing body with written instructions for reconsideration of the decision. The instructions must include specific recommendations concerning the matters requiring reconsideration.

(2) Within thirty (30) days following the remand of a decision to the governing body and after reasonable public notice, the governing body, at a public hearing, shall reconsider the decision and make a final decision.

(3) If the governing body's final decision is to deny, refuse to renew, or to revoke a charter or to unilaterally impose conditions that are unacceptable to the charter school or the charter applicant, a second notice of appeal may be filed with the board within thirty (30) days following the governing body's final decision.

(4) Within thirty (30) days following receipt of the second notice of appeal or making a motion for a second review by the board and after reasonable public notice, the board, at a public hearing, shall determine whether the final decision of the governing body was contrary to the best interests of the students, school corporation, or community. If such a finding is made, the board shall remand the final decision to the governing body with instructions to approve the charter application. The decision of the board is final and is not subject to appeal.

Sec. 5. If the notice of appeal, or the motion to review by the board, relates to a local board's decision to grant a charter, the appeal and review process is as follows:

(1) Within sixty (60) days after receipt of the notice of appeal or of the board making a motion to review and after reasonable public notice, the board, at a public hearing which may be held in the school corporation where the proposed charter school is located, shall:

(A) review the decision of the governing body; and

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(B) determine whether the decision was arbitrary and capricious or the establishment or operation of the proposed charter school would:

- (i) violate any federal or state laws concerning civil rights;**
- (ii) violate any court order;**
- (iii) threaten the health and safety of students in the school corporation;**
- (iv) violate the provisions of IC 20-5.5-10-3 concerning the permissible number of charter schools; or**
- (v) be inconsistent with the equitable distribution of charter schools among school corporations.**

(2) If a determination is made under subdivision (1)(B), the board shall remand the decision to the local board with instructions to deny the charter application. The decision of the board is final and not subject to appeal.

Sec. 6. This chapter does not alter the requirement that a charter school is a part of the school corporation where the charter school is located and is accountable to the governing body of the school corporation.

Chapter 7. Charter School Budgets and Funding

Sec. 1. Funding of a charter school shall be neither a financial incentive nor a financial disincentive to the decision to establish a charter school.

Sec. 2. Funding for a charter school consists of the allocation of federal, state, and local funds in the same proportion and under the same criteria that the federal, state, and local funding is provided for other public schools within the school corporation in which the charter school is located, including the distribution of all categorical program funds, including special education.

Sec. 3. (a) All services provided by the governing body and which the governing entity elects to use, including transportation, food services, custodial services, maintenance, curriculum, media services, libraries, nursing, and warehousing, are subject to negotiation between the governing body and the governing entity.

(b) Services described in subsection (a) shall be paid from the appropriate funds allocated under section 2 of this chapter.

Sec. 4. Subject to the limitations set forth in this article, the governing entity may negotiate and contract for the purchase of books, instructional materials, and any other supplies and services under the authority granted to governing bodies under IC 20-5-2-2.

Sec. 5. A charter school:

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(1) must comply with state board of accounts approved forms and rules for fiscal accountability; and
(2) is subject to an annual audit by the state board of accounts.

Sec. 6. The state board may adopt rules under IC 4-22-2 to implement this chapter.

Chapter 8. Operation and Oversight of a Charter School

Sec. 1. The governing entity is authorized to operate and administer the charter school. The governing entity may not delegate the performance of, or responsibility for, the operation and administration of the charter school to a person other than a properly licensed administrator or teacher who is otherwise employed by the school corporation where the charter school is located.

Sec. 2. (a) An individual or a group of individuals may enter a complaint against the governing entity concerning a claimed violation of this article or the charter agreement.

(b) If, after presenting a complaint to the governing entity, the individual or group of individuals believes that the complaint has not been adequately addressed, the individual or group of individuals may submit the complaint to the state board.

(c) The state board shall hear and decide the issue of the complaint in an adjudicative hearing under IC 4-21.5-3.

Sec. 3. (a) The state board shall review the progress of a charter school on an annual basis.

(b) The findings and conclusions of the state board's review shall be described by the state board in an annual report that the state board must make available to the public upon request.

Chapter 9. Charter Renewal, Nonrenewal, and Revocation

Sec. 1. A charter may be approved or renewed for a period not to exceed five (5) school years.

Sec. 2. A charter school renewal application that is submitted to a governing body must contain the following:

(1) A report on the progress of the charter school in achieving the goals, objectives, student performance standards, content standards, and other terms of the initial approved charter application.

(2) A financial statement that discloses the costs of administration, instruction, and other spending categories for the charter school that:

- (A) is understandable to the general public;
- (B) allows comparison to the costs of other schools or other

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comparable organizations; and
(C) is in a format required by the governing body.

Sec. 3. A charter may be revoked or not renewed by the governing body if the governing body determines that the charter school did any of the following:

- (1) Committed a material violation of any of the conditions, standards, or procedures set forth in the charter application.
- (2) Failed to meet or make reasonable progress toward achievement of the content standards or student performance standards identified in the charter application.
- (3) Failed to meet generally accepted standards of fiscal management.
- (4) Violated any law from which the charter school was not specifically exempted.

Sec. 4. If a governing body determines that it is not in the interest of the students of the school corporation to continue the operation of the charter school, a charter may not be renewed.

Sec. 5. If a governing body revokes or does not renew a charter, the governing body shall state the reasons for the revocation or nonrenewal.

Sec. 6. Upon the denial of a renewal of a charter agreement or upon the revocation of a charter agreement, the applicants or the governing entity may appeal the decision to the state board. The state board shall conduct a hearing on the matter under IC 4-21.5-3.

Chapter 10. Limitations on Establishing Charter Schools

Sec. 1. A governing body may, but is not required to, grant an application for a charter school.

Sec. 2. In establishing charter schools, a governing body must give priority of consideration to applications for charter schools designed to increase the educational opportunities of at-risk students.

Sec. 3. The following limitations apply to the number of charter schools that may be established:

- (1) Not more than ten (10) charters may be granted before January 1, 2001, and not more than ten (10) additional charters may be granted before January 1, 2002.
- (2) A total of not more than sixty (60) charters may be granted in Indiana. At least sixteen (16) of these sixty (60) charters must be reserved for applications for charter schools that are designed to increase the educational opportunities of at-risk students.

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1 **(3) Not more than two (2) charter schools may be established**
 2 **in a school corporation having twenty thousand (20,000) or**
 3 **less students in average daily membership.**

4 **(4) Not more than four (4) charter schools may be established**
 5 **in a school corporation having more than twenty thousand**
 6 **(20,000) students in average daily membership.**

7 **Sec. 4. This article does not prevent a governing body having**
 8 **only one (1) school in the school corporation from granting an**
 9 **application to convert that school into a charter school.**

10 **Sec. 5. A governing body that grants a charter school**
 11 **application shall report this action to the department and shall**
 12 **specify whether or not the charter school is designed to increase**
 13 **the educational opportunities of at-risk students. The department**
 14 **shall promptly notify the governing body of each school**
 15 **corporation when the limits on the number of charter school**
 16 **specified in this chapter are met.**

17 SECTION 6. IC 20-10.1-10-1 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) Except as
 19 provided in ~~subsections subsection (b) and (c)~~ and all laws to the
 20 contrary notwithstanding, each governing body shall purchase from a
 21 contracting publisher, at the net contract price or at any subsequent
 22 lower price, the textbooks adopted by the Indiana state board of
 23 education and selected by the proper local officials, and shall rent these
 24 textbooks to each student enrolled in any public school which is in
 25 compliance with the minimum certification standards of the Indiana
 26 state board of education and is located within the attendance unit
 27 served by the governing body.

28 (b) This section does not prohibit the purchase of these textbooks at
 29 the option of any student or the providing of free textbooks by the
 30 governing body under IC 20-10.1-11.

31 ~~(c) This section does not prohibit a governing body from suspending~~
 32 ~~the operation of this section under a contract entered into under~~
 33 ~~IC 20-5-62.~~

34 SECTION 7. IC 20-10.1-17-4.5 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4.5. (a) The
 36 remediation grant program is established to provide grants to school
 37 corporations for the following:

38 (1) Remediation of students who score below state proficiency
 39 standards.

40 (2) Preventive remediation for students who are at risk of falling
 41 below state achievement standards.

42 ~~(3) For students in a freeway school or freeway school corporation~~



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1 who are assessed under a locally adopted assessment program
2 under IC 20-5-62-6(7):

- 3 (A) remediation of students who score below proficiency
4 standards under the locally adopted assessment program; and
5 (B) preventive remediation for students who are at risk of
6 falling below achievement standards under the locally adopted
7 assessment program.

8 (b) The department shall do the following:

- 9 (1) Subject to section 5.5 of this chapter, develop a formula to be
10 approved by the state board of education, reviewed by the state
11 budget committee, and approved by the budget agency for the
12 distribution of grants to school corporations.
13 (2) Distribute grant funds according to the formula.
14 (3) Determine standards for remediation programs to be funded
15 under the program.
16 (4) Administer the program.

17 SECTION 8. IC 20-10.1-30 IS ADDED TO THE INDIANA CODE
18 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
19 JULY 1, 1999]:

20 **Chapter 30. Indiana School Quality and Best Practices Resource**
21 **Center**

22 **Sec. 1. As used in this chapter, "center" refers to the Indiana**
23 **school quality and best practices resource center established by**
24 **section 2 of this chapter.**

25 **Sec. 2. The governor with the advice of the superintendent of**
26 **public instruction shall designate one (1) private nonprofit**
27 **corporation as the Indiana school quality and best practices**
28 **resource center, subject to the following:**

- 29 (1) **Requests for proposals for the center must specify the**
30 **partners, governance structure, budget, program content, and**
31 **implementation plan.**
32 (2) **The center must be a nonprofit corporation under Section**
33 **501(c)(3) of the Internal Revenue Code.**
34 (3) **The center must be unaffiliated with any political party or**
35 **entity.**
36 (4) **The center must have a substantial financial commitment**
37 **from a private for-profit or nonprofit organization so that the**
38 **center is developed under a public-private partnership.**
39 (5) **The center must be a public-private partnership that**
40 **includes the following:**

- 41 (A) **Business organizations.**
42 (B) **Prekindergarten through grade 12 education**



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1 organizations.

2 (C) Family community organizations.

3 (D) Higher education institutions.

4 (6) Before the governor may designate the center, the
 5 governor shall conduct public hearings for the purpose of
 6 giving all interested parties an opportunity to review and
 7 comment on the articles of incorporation, bylaws, and
 8 methods of operation of the proposed center. The governor
 9 must give notice of the hearing at least fourteen (14) days
 10 before the hearing in accordance with IC 5-14-1.5-5(b).

11 Sec. 3. The articles of incorporation and bylaws of the
 12 corporation that the governor designates as the center must
 13 provide for the following:

14 (1) That in cooperation with the department and the
 15 educational service center, the exclusive purpose of the
 16 corporation is to provide information, research, and training
 17 to public school faculties and school constituents throughout
 18 the state regarding the following:

19 (A) Standards.

20 (B) Assessments.

21 (C) Curriculum.

22 (D) Instruction.

23 (E) Parent and family involvement.

24 (F) Community partnerships.

25 (G) Quality assurance models.

26 (2) That the board of directors of the corporation is composed
 27 of not more than eleven (11) individuals who:

28 (A) serve at the pleasure of the governor; and

29 (B) are appointed jointly by the governor and the
 30 superintendent of public instruction.

31 (3) That the governor shall designate the chairperson and
 32 cochairperson of the board of directors from among the
 33 members of the board of directors.

34 (4) That the board of directors may select officers that the
 35 board considers necessary, including a vice chairperson,
 36 treasurer, or secretary.

37 (5) That the chairperson of the board of directors may
 38 appoint subcommittees that the chairperson considers
 39 necessary to carry out the duties of the corporation.

40 (6) That the corporation, with the approval of the governor,
 41 shall appoint or contract with a person to be director. The
 42 person shall serve as the chief operating officer of the

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1 corporation and may employ consultants to carry out the
2 corporation's duties under this chapter.

3 (7) That a majority of the entire board of directors constitutes
4 a quorum to do business. However, no action of the
5 corporation is valid unless approved by at least six (6) board
6 members of the corporation.

7 (8) That each member of the board of directors who is not a
8 state employee is not entitled to the minimum per diem
9 provided by IC 4-10-11-2.1(b). Such a member is, however,
10 entitled to reimbursement for traveling expenses and other
11 expenses actually incurred in connection with the member's
12 duties, as provided in the state travel policies and procedures
13 established by the Indiana department of administration and
14 approved by the budget agency.

15 (9) That each member of the board of directors who is a state
16 employee but who is not a member of the general assembly is
17 entitled to reimbursement for traveling expenses and other
18 expenses actually incurred in connection with the member's
19 duties, as provided in the state travel policies and procedures
20 established by the Indiana department of administration and
21 approved by the budget agency.

22 (10) That each member of the board of directors who is a
23 member of the general assembly is entitled to receive the same
24 per diem, mileage, and travel allowances paid to members of
25 the general assembly serving on interim study committees
26 established by the legislative council.

27 (11) That to carry out the purposes of the corporation, the
28 corporation may do the following:

29 (A) Receive money from any source, including state
30 appropriations.

31 (B) Enter into contracts.

32 (C) Spend money for any activities necessary, convenient,
33 or expedient.

34 (12) That any change in the articles of incorporation must be
35 approved by the board.

36 Sec. 4. (a) The center shall provide public schools and the
37 communities served by public schools with expertise and training
38 regarding the following:

39 (1) World class academic standards supplemental to the state
40 academic standards.

41 (2) Rigorous performance assessments supplemental to the
42 ISTEP test.



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1 **(3) Best curriculum and instructional practices.**
2 **(4) Best school organizational practices.**
3 **(5) Effective parent and family involvement strategies.**
4 **(6) Effective community partnership strategies.**
5 **(7) High quality assurance models supplemental to**
6 **performance based accreditation.**
7 **(b) The center shall coordinate its expertise and training with**
8 **the department, including the educational service centers**
9 **(IC 20-1-11.3).**
10 **Sec. 5. The center shall annually sponsor activities throughout**
11 **the state for the following:**
12 **(1) Educators of students in prekindergarten through grade**
13 **12.**
14 **(2) Parents of school age children.**
15 **(3) Community representatives.**
16 **(4) Other local school constituents.**
17 **Sec. 6. (a) The programs of the center described in section 4 of**
18 **this chapter:**
19 **(1) must sustain locally determined school quality and**
20 **academic progress initiatives; and**
21 **(2) may include the following:**
22 **(A) Future visions, including skill and knowledge**
23 **requirements for the global economy and information age**
24 **of the twenty-first century.**
25 **(B) Adapting quality assurance models to schools,**
26 **including the Malcolm Baldrige models and total quality**
27 **management models.**
28 **(C) Integrating world class standards in the local**
29 **curriculum.**
30 **(D) Aligning standards, curriculum, instruction, and**
31 **assessment.**
32 **(E) Implementing parent and family school partnerships.**
33 **(F) Modeling best curriculum and instruction practices.**
34 **(b) The center shall coordinate its activities with the**
35 **department, including the educational service centers**
36 **(IC 20-1-11.3).**
37 **Sec. 7. The budget agency shall distribute to the center money**
38 **that becomes available for the operation of the center's program.**
39 SECTION 9. THE FOLLOWING ARE REPEALED [EFFECTIVE
40 JUNE 30, 2000]: IC 20-1-1-8; IC 20-5-62; IC 20-10.1-26.

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