



February 3, 1999

## SENATE BILL No. 235

DIGEST OF SB 235 (Updated February 2, 1999 9:20 a.m.) - DI KCC)

**Citations Affected:** IC 20-1; IC 20-10.1; IC 20-15; noncode.

**Synopsis:** Twenty-first century educational standards. Initiates a twenty-first century achievement schools program under which schools establish goals and develop school achievement plans. Beginning in the 2002-2003 school year, requires high school graduates to complete a Core 40 college/technology preparation curriculum. Creates a gateway education standards commission for the twenty-first century to develop statewide academic standards for each subject matter and grade level. Requires local school corporations to adopt academic standards that meet or exceed the state academic standards. Repeals two laws replaced by the twenty-first century school achievement plan, the freeway schools law and the current school improvement law.

**Effective:** Upon passage; July 1, 1999; July 1, 2000.

### Weatherwax

January 6, 1999, read first time and referred to Committee on Rules and Legislative Procedure.  
February 2, 1999, amended; reassigned to Committee on Education.

SB 235—LS 6503/DI 13+



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February 3, 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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## SENATE BILL No. 235

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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 20-1-1-7 IS AMENDED TO READ AS FOLLOWS  
2 [EFFECTIVE JULY 1, 1999]: Sec. 7. The state board of education  
3 shall do the following:

- 4 (1) Establish the educational goals of the state, ~~developing~~  
5 **including academic** standards and objectives for local school  
6 corporations.  
7 (2) Assess the attainment of the established goals.  
8 (3) Assure compliance with established standards and objectives.  
9 (4) Make recommendations to the governor and general assembly  
10 on the educational needs of the state including financial needs.

11 SECTION 2. IC 20-1-22 IS ADDED TO THE INDIANA CODE AS  
12 A **NEW CHAPTER** TO READ AS FOLLOWS [EFFECTIVE JULY  
13 1, 1999]:

- 14 **Chapter 22. Twenty-First Century Achievement Schools**  
15 **Sec. 1. As used in this chapter, "board" refers to the Indiana**  
16 **state board of education established by IC 20-1-1-1.**  
17 **Sec. 2. As used in this chapter, "exclusive representative" has**

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1 the meaning set forth in IC 20-7.5-1-2(1).

2 **Sec. 3.** As used in this chapter, "governing body" has the  
3 meaning set forth in IC 20-6.1-1-3.

4 **Sec. 4.** As used in this chapter, "school" refers to a school within  
5 a school corporation.

6 **Sec. 5.** As used in this chapter, "school achievement plan" refers  
7 to a plan for a school that meets the following requirements:

8 (1) The plan is established as described in section 8 of this  
9 chapter.

10 (2) The plan is focused on ensuring that all students in the  
11 school meet the standards developed under IC 20-15.

12 (3) The plan includes at least the following:

13 (A) Achievement objectives for the school established  
14 under section 9 of this chapter.

15 (B) The components listed in section 11 of this chapter.

16 **Sec. 6.** As used in this chapter, "twenty-first century  
17 achievement school" means a school that:

18 (1) establishes a school achievement plan under this chapter;  
19 and

20 (2) has full accreditation status under IC 20-1-1.2.

21 **Sec. 7.** The twenty-first century achievement schools program  
22 is established for the purpose of ensuring that all Indiana public  
23 schools:

24 (1) establish high educational academic standards for  
25 themselves that meet or exceed the educational academic  
26 standards developed under IC 20-15;

27 (2) make school achievement plans to meet the high  
28 educational standards that the schools have established for  
29 themselves; and

30 (3) have the local control and flexibility necessary to achieve  
31 optimal levels of student achievement that meet or exceed the  
32 high educational academic standards developed under  
33 IC 20-15.

34 **Sec. 8.** (a) A committee of persons interested in the school,  
35 including administrators, teachers, parents, and community and  
36 business leaders appointed by the governing body, shall develop  
37 each initial and revised school achievement plan.

38 (b) The following apply to a school achievement plan under this  
39 chapter:

40 (1) The committee described in subsection (a) must submit the  
41 initial school achievement plan to the school's governing body  
42 by March 1 of the school year prior to the year of



- 1 implementation.
- 2 (2) To establish an initial school achievement plan or to revise
- 3 a school achievement plan, the governing body must approve
- 4 the school achievement plan. The plan is established when
- 5 written evidence of approval is attached to the plan. An initial
- 6 school achievement plan must be established by June 1 of the
- 7 school year prior to the year of implementation.
- 8 (3) A school achievement plan:
- 9 (1) shall lay out objectives for a three (3) year period; and
- 10 (2) may be reviewed and revised more frequently to
- 11 accomplish the achievement objectives of the school.
- 12 **Sec. 9. A school achievement plan must establish objectives for**
- 13 **the school to achieve. These achievement objectives must be**
- 14 **consistent with IC 20-15 and include improvement in at least the**
- 15 **following areas:**
- 16 (1) Attendance rate.
- 17 (2) The percentage of students meeting standards established
- 18 under IC 20-15, including the percentage of students scoring
- 19 above essential skills standards under the ISTEP program
- 20 (IC 20-10.1-16).
- 21 (3) For a secondary school, graduation rate.
- 22 **Sec. 10 A school achievement plan may provide a school with**
- 23 **the authority to suspend the following:**
- 24 (1) A rule adopted by the board, except for a rule that is
- 25 characterized as follows:
- 26 (A) The rule relates to the health or safety of students or
- 27 school personnel.
- 28 (B) The rule is a special education rule under 511 IAC 7.
- 29 (C) Suspension of the rule brings the school into
- 30 noncompliance with federal statutes or regulations.
- 31 (2) A statute or rule that relates to the following:
- 32 (A) Curriculum.
- 33 (B) Textbooks.
- 34 **Sec. 11. (a) A school achievement plan must contain the**
- 35 **following components for the school:**
- 36 (1) A list of the statutes and rules that are suspended from
- 37 operation under the authority of section 10 of this chapter.
- 38 (2) A description of the curriculum.
- 39 (3) A description of the assessments that will be used in the
- 40 school in addition to ISTEP assessments.
- 41 (4) A community wide strategy for meeting the academic
- 42 standards established under IC 20-15 and achieving the



objectives established under section 9 of this chapter.

(5) A report to be issued to the board and made available to all interested persons in an easily understood format.

(6) A demonstration of community support for the school achievement plan.

(7) A plan to maximize parental participation in the school.

(8) For a secondary school, a plan to do the following:

(A) Offer courses that allow all students to become eligible to receive academic honors diplomas.

(B) Encourage all students to earn academic honors diplomas.

(9) A plan to maintain a safe and disciplined learning environment for students and teachers.

(10) A plan for technology and professional development initiatives.

(b) If, for a purpose other than a school achievement plan under this chapter, a school has developed materials that are substantially similar to a component listed in subsection (a), the school may substitute those materials for the component listed in subsection (a).

**Sec. 12. The department shall act as a clearinghouse for school achievement plans and make effective school achievement plans available to school corporations as models to use in carrying out school achievement plans.**

SECTION 3. IC 20-10.1-16-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 13. (a) Beginning with the class of students who expect to graduate during the 1999-2000 school year, each student is required to meet:

(1) the educational proficiency standard tested in the graduation examination; and

(2) any additional requirements established by the governing body;

to be eligible to graduate.

**(b) Beginning with the class of students who expect to graduate during the 2002-2003 school year, each student is required to meet:**

**(1) the educational proficiency standard tested in the graduation examination;**

**(2) the Core 40 requirements adopted by the board under IC 20-10.1-5.7; and**

**(3) any additional requirements established by the governing body;**

**to be eligible to graduate.**



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1           **(b) (c)** A student who does not meet the educational proficiency  
 2 standard tested in the graduation examination shall be given the  
 3 opportunity to be tested during each semester of each grade following  
 4 the grade in which the student is initially tested until the student  
 5 achieves a passing score.

6           **(c) (d)** The board shall develop and adopt a procedure to enable  
 7 students who:

8               (1) undergo the graduation examination; and

9               (2) do not receive a passing score on the graduation examination;  
 10 to appeal their particular results. The rules adopted by the board must  
 11 provide for the specific eligible bases for which an appeal may be made  
 12 and must include as one (1) basis for which an appeal may be made the  
 13 submission by the appellant student of written evidence indicating that  
 14 the student's teacher in areas tested by the graduation examination and  
 15 principal, in their professional judgment, believe that the student's  
 16 graduation examination results do not accurately reflect the student's  
 17 attainment of the educational proficiency standard.

18           **(d) (e)** A student who does not meet the educational proficiency  
 19 standard tested in the graduation examination may:

20               (1) have the educational proficiency standard requirement  
 21 waived; and

22               (2) be eligible to graduate;

23 if the principal of the school the student attends certifies that the  
 24 student will within one (1) month of the student's scheduled graduation  
 25 date successfully complete all components of the Core 40 curriculum  
 26 as established by the board under IC 20-10.1-5.7-1.

27           **(e) (f)** The state board of education shall determine the appropriate  
 28 grade during which a student may initially undergo the graduation  
 29 examination. The grade established under this subsection must be  
 30 higher than grade 9.

31           **SECTION 4. IC 20-10.1-16-6 IS AMENDED TO READ AS**  
 32 **FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 6. (a) The ~~department~~**  
 33 **gateway education standards commission established under**  
 34 **IC 20-15-2-1 shall develop educational proficiency statements**  
 35 **academic standards** for the following subject areas:

36               (1) English/language arts.

37               (2) Mathematics.

38               (3) ~~Social studies:~~ **History.**

39               (4) Science.

40               (5) ~~Other subject areas as determined by the department:~~  
 41 **Government.**

42           (b) The department shall revise and update the educational

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1 proficiency statements in each subject area listed in subsection (a) at  
 2 least once every six (6) years. This revision must occur on a cyclical  
 3 basis that coincides with the textbook adoption cycle established in  
 4 IC 20-10.1-9-4. **recommend to school corporations curricula that**  
 5 **conform to the academic standards established under this section.**

6 (c) The state superintendent shall appoint a proficiency statements  
 7 overview committee for a subject area during the period when the  
 8 subject area is undergoing revision. A proficiency statements overview  
 9 committee has fifteen (15) members selected as follows:

10 (1) Eight (8) persons who are teachers practicing in the subject  
 11 area being revised on the date of appointment.

12 (2) Two (2) members who are parents of school age children.

13 (3) Two (2) members, each of whom is a school superintendent,  
 14 a school corporation curriculum director, or a principal.

15 (4) Two (2) members who represent the business community.

16 (5) One (1) member who is a member of the faculty in the subject  
 17 area being revised at an institution of higher education that  
 18 prepares teachers in the subject area.

19 (d) A proficiency statements overview committee shall do the  
 20 following:

21 (1) Advise the department on the revision process under this  
 22 section.

23 (2) Recommend changes to the educational proficiency statement  
 24 for the committee's subject area that enhance the goals identified  
 25 in the educational proficiency statement.

26 (3) Submit recommendations to the state standards task force for  
 27 the task force's review.

28 (e) In fulfilling its responsibilities under subsection (d), the  
 29 proficiency statements overview committee shall consider proficiency  
 30 statements developed by:

31 (1) other states;

32 (2) national organizations in the United States; and

33 (3) other countries.

34 (f) As necessary, the department shall revise and update the  
 35 educational proficiency statements of subject areas other than those  
 36 listed in subsection (a)(1) through (a)(4).

37 (g) The curriculum program of a school in a school corporation must  
 38 be consistent with the following:

39 (1) The educational proficiency statements.

40 (2) The student competencies developed for the Core 40 college  
 41 preparation curriculum models established under IC 20-10.1-5.7.

42 SECTION 5. IC 20-15 IS ADDED TO THE INDIANA CODE AS



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1 A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
2 1999]:

3 **ARTICLE 15. TWENTY-FIRST CENTURY EDUCATIONAL**  
4 **STANDARDS**

5 **Chapter 1. Definitions**

6 **Sec. 1. The definitions in this chapter apply throughout this**  
7 **article.**

8 **Sec. 2. "Board" refers to the Indiana state board of education**  
9 **established by IC 20-1-1-1.**

10 **Sec. 3. "Core 40 curriculum" refers to the college and**  
11 **technology preparatory curriculum developed under**  
12 **IC 20-10.1-5.7.**

13 **Sec. 4. "Commission" refers to the gateway education standards**  
14 **for the twenty-first century commission established under**  
15 **IC 20-15-2-1.**

16 **Sec. 5. "Department" refers to the department of education**  
17 **established by IC 20-1-1.1-2.**

18 **Sec. 6. "Educational standard" means a content and**  
19 **performance based academic standard that includes a compilation**  
20 **of specific statements of what a student is expected to know and be**  
21 **able to perform in a particular academic subject matter area at a**  
22 **particular grade level, as defined by the commission.**

23 **Sec. 7. "Governing body" means the board that has the**  
24 **responsibility for administering a school corporation, including the**  
25 **following:**

- 26 (1) A board of school commissioners.
- 27 (2) A metropolitan board of education.
- 28 (3) A board of education.
- 29 (4) A board of school trustees.
- 30 (5) A board of trustees.

31 **Sec. 8. "Parent" includes a guardian or custodian of a child.**

32 **Sec. 9. "Performance level" means the level of achievement by**  
33 **a student on an assessment based on a standard.**

34 **Sec. 10. "Program of instruction" means a description of the**  
35 **curriculum and other educational experiences that will enable a**  
36 **student to achieve an acceptable performance level.**

37 **Sec. 11. "School corporation" means a local public school**  
38 **corporation established under Indiana law.**

39 **Sec. 12. "State superintendent" means the state superintendent**  
40 **of public instruction.**

41 **Sec. 13. "Superintendent" means the chief administrative officer**  
42 **of a school corporation.**



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1           **Chapter 2. Gateway Education Standards Commission for the**  
 2 **Twenty-First Century**

3           **Sec. 1. The gateway education standards commission for the**  
 4 **twenty-first century is established.**

5           **Sec. 2. The commission shall:**

6           (1) oversee the development, approve the content, and  
 7 confirm the implementation of educational standards for the  
 8 state that will enable Indiana students to be prepared and  
 9 ready upon graduation for success in further education, work,  
 10 and life;

11           (2) assist the department in the development, affirm the  
 12 content, and oversee the implementation of assessments; and

13           (3) monitor the performance of schools, school corporations,  
 14 and the state in educating students to meet educational  
 15 standards.

16           **Sec. 3. (a) The commission consists of members appointed as**  
 17 **follows:**

18           (1) The governor and state superintendent, who shall serve as  
 19 co-chairs of the commission.

20           (2) The governor shall make the following appointments:

21           (A) Two (2) individuals, each of whom is a member of the  
 22 governing body of a school corporation.

23           (B) One (1) individual who is currently employed as a  
 24 teacher.

25           (C) One (1) individual who is currently employed as the  
 26 principal or administrator of a school corporation.

27           (D) Two (2) individuals, each of whom is the parent of a  
 28 child enrolled in a school corporation.

29           (E) Three (3) individuals, each of whom is a representative  
 30 of business and industry.

31           (3) The state superintendent of public instruction shall make  
 32 the following appointments:

33           (A) Two (2) individuals, each of whom is a member of the  
 34 governing body of a school corporation.

35           (B) One (1) individual who is currently employed as a  
 36 teacher.

37           (C) One (1) individual who is currently employed as the  
 38 principal or administrator of a school corporation.

39           (D) Two (2) individuals, each of whom is the parent of a  
 40 child enrolled in a school corporation.

41           (E) Three (3) individuals, each of whom is a representative  
 42 of business and industry.



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1 (4) The president pro tempore of the senate, with the advice  
2 of the minority leader of the senate, shall appoint two (2)  
3 senators, who may not be members of the same political  
4 party.

5 (5) The speaker of the house of representatives, with the  
6 advice of the minority leader of the house of representatives,  
7 shall appoint two (2) representatives, who may not be  
8 members of the same political party.

9 (c) The term of a member other than the governor or the state  
10 superintendent is two (2) years.

11 Sec. 4. The commission may contract with an individual, a  
12 group, or other entity with expertise in education to assist the  
13 commission in:

- 14 (1) developing academic standards;
- 15 (2) reviewing and affirming methods of assessment and  
16 acceptable performance levels; and
- 17 (3) monitoring performance.

18 Sec. 5. The affirmative votes of a majority of the voting  
19 members of the commission are required to take action on a  
20 measure.

### 21 Chapter 3. State Model Academic Standards

22 Sec. 1. (a) Not later than July 1, 2000, the commission shall  
23 develop and publish state model academic standards in the  
24 following areas for each grade level and for graduation:

- 25 (1) English and language arts (including reading and writing).
- 26 (2) Mathematics.
- 27 (3) Science.
- 28 (4) History.
- 29 (5) Government.

30 (b) The academic standards required under subsection (a) must  
31 be:

- 32 (1) presented in a clear, understandable, and jargon free  
33 manner; and
- 34 (2) made available to students, parents, teachers,  
35 administrators, and other interested persons.

36 Sec. 2. In developing the state model academic standards, the  
37 commission shall:

- 38 (1) consider national and international academic standards,  
39 as well as academic standards developed in other states, to  
40 ensure that Indiana's academic standards meet or exceed the  
41 highest academic standards of other states and nations;
- 42 (2) consider and review the work of past and current



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1 proficiency panels concerning proficiencies in English,  
2 language arts, mathematics, and other subjects for which  
3 proficiencies exist;

4 (3) hold not less than ten (10) public meetings in different  
5 areas of Indiana to receive testimony from the public  
6 concerning the needs of a graduate of an Indiana high school  
7 to be a successful neighbor in the state's communities, a  
8 successful student in the state's postsecondary educational  
9 institutions, and a successful employee; and

10 (4) seek recommendations concerning the needs of a high  
11 school graduate to be prepared to be a successful college  
12 student, neighbor, and employee from:

- 13 (A) school corporations;
- 14 (B) educators;
- 15 (C) postsecondary educational institutions;
- 16 (D) employers; and
- 17 (E) members of the public.

18 **Sec. 3. The academic standards approved and published under**  
19 **section 1 of this chapter become effective on December 31, 2000.**

20 **Chapter 3. Local Academic Standards**

21 **Sec. 1. Not later than June 1, 2001, the governing body of each**  
22 **school corporation shall adopt either the state model academic**  
23 **standards or academic standards that exceed the state model**  
24 **academic standards as the local academic standards for the school**  
25 **corporation.**

26 **Sec. 2. (a) Local academic standards may include subject areas**  
27 **for which there are no state model academic standards.**

28 **(b) The department shall determine, upon the recommendation**  
29 **of the commission, whether a local academic standard meets or**  
30 **exceeds the academic standards established for the state.**

31 **Sec. 3. This article and other provisions in IC 20 may not be**  
32 **construed to deny the governing body of a school corporation the**  
33 **ability to develop and articulate expectations for the students and**  
34 **school personnel of the school corporation that reflect the local**  
35 **aspirations of the community for increased standards of living and**  
36 **quality of life.**

37 **Chapter 4. Assessments and Performance Levels**

38 **Sec. 1. The department shall develop and the commission shall**  
39 **review and approve recommended assessments and recommended**  
40 **performance levels for each academic standard.**

41 **Sec. 2. The department and the commission shall consider**  
42 **national and international assessments, as well as assessments**

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1 developed in other states, to ensure that Indiana's assessments and  
 2 performance levels are as rigorous and informative as those of  
 3 other states and nations.

4 **Sec. 3. An assessment method developed under this chapter:**

5 **(1) must:**

6 **(A) measure annual student progress toward educational**  
 7 **academic standards;**

8 **(B) be drawn from sources that ensure the relevance and**  
 9 **accuracy of the results of the assessment; and**

10 **(C) make available to communities and schools common**  
 11 **statewide assessment examinations to determine a**  
 12 **student's performance level at the end of each school year;**  
 13 **and**

14 **(2) may include:**

15 **(A) existing or modified standardized tests;**

16 **(B) assessment opportunities at the beginning and end of**  
 17 **each school year to assist a student's teacher in**  
 18 **understanding student deficiencies and determining**  
 19 **student progress;**

20 **(C) cumulative performance information for students; and**

21 **(D) any other valid and reliable means of assessing a**  
 22 **student's performance.**

23 **Sec. 4. The department shall ensure that the statewide exit**  
 24 **examination developed under IC 20-10.1-16-13 is consistent with**  
 25 **the standards and assessments developed under this article. The**  
 26 **results of the examination:**

27 **(1) may be used as a career planning tool or an admission**  
 28 **requirement for postsecondary educational institutions; and**

29 **(2) may be requested by prospective employers.**

30 **Chapter 5. Curriculum**

31 **Sec. 1. The governing body is responsible for the curriculum of**  
 32 **a school corporation.**

33 **Sec. 2. A curriculum must meet or exceed the academic**  
 34 **standards developed under this article.**

35 **Chapter 6. Continuing Commission Oversight**

36 **Sec. 1. The commission shall provide continuing oversight for**  
 37 **primary and secondary education by doing the following:**

38 **(1) Continuously reexamining the acceptable performance**  
 39 **levels to ensure that students are prepared to become**  
 40 **successful in postsecondary education, employment, and**  
 41 **citizenship.**

42 **(2) Receiving and reviewing local standards.**



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**(3) Receiving and reviewing performance information of each school, school corporation, and the state. The performance review required under this subdivision includes the authority to audit a school or school corporation to ensure the accuracy of the information reported.**

**(4) Biennially reviewing the state educational standards and, if necessary, following the procedures of IC 20-15-3 to recommend revised standards.**

**Sec. 2. Beginning with the 2001-2002 school year, the commission shall issue an annual report on the progress of schools and school corporations in educating students to meet the standards developed under this article. The annual report required under this section must be:**

- (1) issued not later than July 1 of each year;**
- (2) disseminated throughout the state; and**
- (3) made easily available to the public in both printed and electronic formats.**

**Sec. 3. (a) The commission shall conduct at least one (1) meeting annually to receive information from the public concerning:**

- (1) standards;**
- (2) assessments;**
- (3) acceptable performance levels;**
- (4) school or school corporation performance; and**
- (5) issues related to standards, assessments, and performance levels.**

**(b) The commission shall give public notice of the meeting not less than thirty (30) days before the meeting occurs.**

**SECTION 6. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 1999]: IC 20-1-1-6.3; IC 20-10.1-4.1.**

**SECTION 7. [EFFECTIVE JULY 1, 2000] (a) Notwithstanding any other law, on July 1, 2000, a public school that is designated as an Indiana school academic improvement program school under IC 20-1-1-6.3, as repealed by this act, is designated as a twenty-first century school under IC 20-1-22, as added by this act.**

**(b) This SECTION expires July 2, 2000.**

**SECTION 8. [EFFECTIVE UPON PASSAGE] (a) Not later than July 1, 1999, the governor, the state superintendent of public instruction, the president pro tempore of the senate, and the speaker of the house of representatives shall make appointments to the gateway education standards commission for the twenty-first century established under IC 20-15-2, as added by this act.**

**(b) This SECTION expires December 31, 1999.**

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1        **SECTION 9. An emergency is declared for this act.**

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COMMITTEE REPORT

Mr. President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 235, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

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

(Reference is to SB 235 as introduced.)

GARTON, Chairperson

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