



February 3, 1999

SENATE BILL No. 236

DIGEST OF SB 236 (Updated February 2, 1999 9:30 a.m.) - DI KCC)

Citations Affected: IC 20-5; IC 20-10; IC 20-16; IC 21-3; noncode.

Synopsis: Education accountability and deregulation. Provides incentive grants for schools that meet expected achievement standards. Provides that the department of education may take a school into academic receivership if the school fails to meet goals or has declining performance for two consecutive years. Establishes education block grants to school corporations. Establishes an education deregulation commission to evaluate each statute and rule related to kindergarten through grade 12 education.

Effective: July 1, 1999.

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 236—LS 7134/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. 236



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 20-16 IS ADDED TO THE INDIANA CODE AS
- 2 A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,
- 3 1999]:
- 4 **ARTICLE 16. ACCOUNTABILITY FOR ACADEMIC**
- 5 **PERFORMANCE**
- 6 **Chapter 1. Educational Performance Award for Scholars**
- 7 **Sec. 1. As used in this chapter, "fund" refers to the student**
- 8 **performance incentive fund established under section 3 of this**
- 9 **chapter.**
- 10 **Sec. 2. As used in this chapter, "grant" refers to a student**
- 11 **performance incentive grant from the fund.**
- 12 **Sec. 3. (a) The student performance incentive fund is established**
- 13 **to provide funds to stimulate and recognize improved student**
- 14 **performance in meeting academic standards. The fund is**
- 15 **administered by the department.**
- 16 **(b) The fund consists of appropriations from the general**
- 17 **assembly.**

SB 236—LS 7134/DI 13+



1 (c) Money in the fund at the end of a state fiscal year does not
2 revert to the state general fund.

3 Sec. 4. The statewide amounts available for grants is determined
4 by the general assembly in appropriations beginning during the
5 2005-2007 biennium. The maximum amount available to a school
6 is determined by referencing the number of full-time certified
7 teaching positions for the school. The department, under the
8 direction of the state superintendent, shall determine the available
9 amounts and distribute the grants earned.

10 Sec. 5. (a) Beginning with the 2005-2006 school year, a school is
11 entitled to a grant if the school meets the following criteria:

12 (1) For the 2004-2005 school year at least sixty percent (60%)
13 of the students in the school for whom the school is not
14 entitled to receive a special education grant under
15 IC 21-3-10-3 achieved expected student progress assessed
16 under IC 20-15.

17 (2) For the 2005-2006 school year, at least seventy percent
18 (70%) of the students in the school for whom the school is not
19 entitled to receive a special education grant under
20 IC 21-3-10-3 achieved expected student progress assessed
21 under IC 20-15.

22 (3) For the 2006-2007 school year, at least ninety percent
23 (90%) of the students in the school for whom the school is not
24 entitled to receive a special education grant under
25 IC 21-3-10-3 achieved expected student progress assessed
26 under IC 20-15.

27 (b) This subsection applies to a school that does not meet the
28 expected progress levels set forth under subsection (a)(1), (a)(2),
29 and (a)(3). Beginning with the 2005-2006 school year, a school to
30 which this subsection applies is entitled to a grant under this
31 chapter if the students in the school for whom the school is not
32 entitled to receive a special education grant under IC 21-3-10-3
33 achieved an improvement in student progress assessed under
34 IC 20-15 of not less than five percent (5%) over the student
35 progress assessed during the school year immediately preceding
36 the school year for which the school seeks a grant.

37 Chapter 2. Responses to Improve Student Performance

38 Sec. 1. (a) If a school's students:

- 39 (1) fail to progress at the levels set forth under IC 20-16-1-5;
40 or
41 (2) demonstrate declining performance on assessments under
42 IC 20-15;



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1 for two (2) consecutive years, the school shall be placed in
 2 academic receivership and the department shall take any action
 3 that the department determines to be necessary to ensure the
 4 school's students will meet the established statewide academic
 5 standards.

6 (b) Actions taken under this section may include any of the
 7 following:

- 8 (1) Shifting resources.
- 9 (2) Changing or terminating personnel.
- 10 (3) Establishing a new educational plan.
- 11 (4) Using outside expertise to manage the school.

12 (c) Personnel changes under subsection (b) must be made in
 13 accordance with the legal and contractual obligations in effect at
 14 the time of the changes. A conflict between the ability to make
 15 personnel changes to improve educational results and a legal or
 16 contractual obligation must be reported to the state
 17 superintendent, who shall report the conflict to the general
 18 assembly.

19 SECTION 2. IC 21-3-12 IS ADDED TO THE INDIANA CODE AS
 20 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
 21 1, 1999]:

22 **Chapter 12. Education Block Grants**

23 **Sec. 1. (a)** The education block grant fund is established to
 24 provide school corporations with funding for teaching and
 25 learning. The education grant fund is administered by the
 26 department.

27 (b) The fund consists of appropriations from the general
 28 assembly.

29 (c) Money in the education block grant fund at the end of a state
 30 fiscal year does not revert to the state general fund.

31 **Sec. 2. (a)** A school corporation is entitled to receive a block
 32 grant under this chapter to fund any activity related to teaching
 33 and learning.

34 (b) A block grant received under this chapter may be used for
 35 any of the following purposes:

- 36 (1) Transportation, including transportation for special or
 37 vocational education.
- 38 (2) Accelerated remediation.
- 39 (3) Summer school.
- 40 (4) Adult education.
- 41 (5) Textbook rentals.
- 42 (6) Programs for gifted or talented children.



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- (7) Programs to decrease class size in elementary schools.**
- (8) Any other purpose the school corporation determines is necessary to improve student educational achievement in the school corporation.**

Sec. 3. The general assembly shall adopt a formula by statute to annually distribute block grants from the fund.

SECTION 3. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 1999]: IC 20-1-1-8; IC 20-5-62; IC 20-10.1-9; IC 20-10.1-10.

SECTION 4. [EFFECTIVE JULY 1, 1999] **(a) As used in this SECTION, "commission" refers to the education deregulation commission established under subsection (b).**

- (b) The education deregulation commission is established.**
- (c) The commission members are appointed as follows:**
 - (1) The governor and state superintendent of public instruction, who shall act as co-chairpersons of the commission.**
 - (2) The governor shall make the following appointments:**
 - (A) Two (2) individuals, each of whom is a member of the governing body of a school corporation.**
 - (B) Two (2) individuals, each of whom is a superintendent of a school corporation.**
 - (C) Two (2) individuals, each of whom is currently employed as a teacher.**
 - (D) Two (2) individuals, each of whom is a representative of business and industry.**
 - (3) The state superintendent of public instruction shall make the following appointments:**
 - (A) Two (2) individuals, each of whom is a member of the governing body of a school corporation.**
 - (B) Two (2) individuals, each of whom is a superintendent of a school corporation.**
 - (C) Two (2) individuals, each of whom is currently employed as a teacher.**
 - (D) Two (2) individuals, each of whom is a representative of business and industry.**
 - (4) The president pro tempore of the senate, with the advice of the minority leader of the senate, shall appoint two (2) senators, who may not be members of the same political party.**
 - (5) The speaker of the house of representatives, with the advice of the minority leader of the house of representatives, shall appoint two (2) representatives, who may not be**

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- 1 **members of the same political party.**
- 2 **(d) The governor, the state superintendent of public instruction,**
3 **the president pro tempore of the senate, and the speaker of the**
4 **house of representatives shall make the appointments required**
5 **under subsection (d) not later than July 1, 1999.**
- 6 **(e) The commission shall evaluate each statute and rule that is**
7 **applicable to kindergarten through grade 12 education. The**
8 **commission shall determine whether a statute or rule adds**
9 **educational value by supporting the efforts of school corporations**
10 **and schools to educate students to meet the applicable academic**
11 **standards of IC 20-15.**
- 12 **(f) The commission may consider entire statutes and rules or**
13 **parts of a statute or rule.**
- 14 **(g) Proponents and opponents of the continuation of a statute or**
15 **rule may provide written materials to the commission.**
- 16 **(h) During the period in which the evaluation occurs, the**
17 **commission shall hold at least five (5) public forums in different**
18 **locations throughout Indiana at which members of the public may**
19 **offer testimony concerning the educational value of statutes and**
20 **rules.**
- 21 **(i) The affirmative votes of a majority of the voting members of**
22 **the commission are required to take action on a measure.**
- 23 **(j) Not later than November 1, 2000, the commission shall**
24 **complete the evaluation and issue a report of recommendations to**
25 **the governor, state superintendent of public instruction,**
26 **and general assembly.**
- 27 **(k) This SECTION expires December 1, 2000.**
- 28 **SECTION 5. 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. 236, 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 236 as introduced.)

GARTON, Chairperson

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