January 22, 1999

SENATE BILL No. 391

DIGEST OF SB391 (Updated January 21, 1999 10:52 am - DI 71)

Citations Affected: IC 20-1; IC 20-3.1; IC 20-5; IC 20-6; IC 20-8.1; IC 20-10.1.

Synopsis: Obsolete statutes and school report cards. Revises the reporting requirements for ISTEP and SAT test scores for school corporation annual performance reports and benchmarks to reflect current test scoring methods. Allows a school corporation to use larger type and graphics when publishing the annual performance report and provides a method to compute costs for publication of the report. Allows a school corporation to appoint assistant or deputy treasurers and provides that the term "treasurer" includes an assistant or a deputy treasurer. Allows a school corporation to adopt textbooks that do not appear on the state adoption list without seeking a waiver from the Indiana state board of education. Repeals the provision requiring a

(Continued next page)

Effective: July 1, 1999.

Alting, Lubbers, Wolf

January 11, 1999, read first time and referred to Committee on Education.
January 21, 1999, amended, reported favorably — Do Pass.

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Digest Continued

waiver from the department of education to adopt a textbook that does not appear on the state adoption list. Repeals provisions for the following programs that have expired, have not been funded, or are not in compliance with federal law: (1) Inclusion school pilot program. (2) Teacher quality and professional improvement program. (3) Compulsory attendance exception. (4) Governor's scholars academy. (5) Innovative education grant program. (6) Art education grant program. (7) Committee on educational attitudes, motivation, and parental involvement. (8) Readiness testing. (9) Student services summer institute. (10) Early childhood, preschool, and latch key pilot programs. (11) Anti-gang counseling pilot program. Removes references to repealed statutes from related sections.

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January 22, 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. 391

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

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

(1) Graduation rate.

(2) Attendance rate.

(3) ISTEP scores, or, for a freeway school, scores on a locally adopted assessment program, if appropriate. ~~including the number and percentage of students:~~

~~(A) meeting an advanced standard; or~~

~~(B) meeting a proficient standard.~~

(4) Actual class size.

(5) The number and percentage of students in the following groups or programs:

(A) At risk.

(B) Vocational education.

(C) Special education.
(D) Gifted or talented.
(E) ~~Remediation/preventative~~ **Remediation and preventive** remediation.
(F) Technology preparation.
(6) Advanced placement, including the following:
(A) For advanced placement tests, the number and percentage of students:
(i) scoring three (3), four (4), and (5); ~~or~~ **and**
(ii) participating.
(B) For the Scholastic Aptitude Test: ~~the number and percentage of students:~~
(i) ~~above a designated proficient score;~~ **test scores; and**
(ii) ~~above a designated advanced score; or~~
~~(iii)~~ **the number and percentage of students** participating.
(7) Course completion, including the number and percentage of students completing the following programs:
(A) Academic honors diploma.
(B) Core 40 curriculum.
(C) Vocational programs.
(8) The percentage of graduates who pursue higher education.
(9) School safety, including the number and percentage of students receiving suspension or expulsion for the possession of alcohol, drugs, or weapons.
(10) Financial information relevant to performance.

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

SECTION 2. IC 20-1-1.3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. The board shall implement the performance-based award and incentive program to recognize and reward schools that have exhibited relative improvement toward the performance benchmarks determined to be appropriate for the school by the superintendent and board, including the following benchmarks:

(1) Graduation rate.
(2) Attendance rate.
(3) ISTEP scores ~~under the ISTEP program or a locally adopted assessment program used by~~ **or, for** a freeway school, ~~including the number and percentage of students:~~
~~(A) meeting an advanced standard; or~~
~~(B) meeting a proficient standard.~~ **scores on a locally adopted**

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assessment program, if appropriate.

(4) Actual class size.

(5) The number and percentage of students in the following groups or programs:

(A) At risk.

(B) Vocational education.

(C) Special education.

(D) Gifted or talented.

(E) ~~Remediation/preventative~~ **Remediation and preventive** remediation.

(F) Technology preparation.

(6) Advanced placement, including the following:

(A) For advanced placement tests, the number and percentage of students:

(i) scoring three (3), four (4), and **five** (5); ~~or~~ **and**

(ii) participating.

(B) For the Scholastic Aptitude Test: ~~the number and percentage of students:~~

(i) ~~above a designated proficient score;~~ **test scores; and**

(ii) ~~above a designated advanced score; or~~

~~(iii)~~ **the number and percentage of students** participating.

(7) Course completion, including the number and percentage of students completing the following programs:

(A) Academic honors diploma.

(B) Core 40 curriculum.

(C) Vocational programs.

(8) The percentage of graduates who pursue higher education.

(9) School safety, including the number and percentage of students receiving suspension or expulsion for the possession of alcohol, drugs, or weapons.

(10) Financial information relevant to performance.

SECTION 3. IC 20-1-1.8-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 22. (a) To evaluate the effectiveness of step ahead as the program relates to the step ahead goals listed in section 12 of this chapter, the panel shall employ the following assessment mechanisms:

(1) The step ahead county coordinator shall annually report to the panel on the development, quality, and appropriateness of the individual family service plans for children whose parents qualify under the income eligibility guidelines.

(2) The step ahead county coordinator shall annually report to the panel on the number of children who:

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(A) are utilizing step ahead services; and

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

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

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

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

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

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

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

(2) Graphics.

(3) Other typographical methods to enhance the report.

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

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

(1) Graduation rate.

(2) Attendance rate.

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(3) ISTEP test scores or, for a freeway school, scores on a locally adopted assessment program, if appropriate. ~~including the number and percentage of students:~~

~~(A) meeting an advanced standard; or~~

~~(B) meeting a proficient standard.~~

(4) Actual class size.

(5) The number and percentage of students in the following groups or programs:

(A) At risk.

(B) Vocational education.

(C) Special education.

(D) Gifted or talented.

(E) ~~Remediation/preventative~~ **Remediation and preventive** remediation.

(6) Advanced placement, including the following:

(A) For advanced placement tests, the number and percentage of students:

(i) scoring three (3), four (4), and **five** (5); ~~or~~ **and**

(ii) participating.

(B) For the Scholastic Aptitude Test: ~~the number and percentage of students:~~

(i) ~~above a designated proficient score;~~ **test scores; and**

(ii) ~~above a designated advanced score; or~~

~~(iii)~~ **the number and percentage of students** participating.

(7) Course completion, including the number and percentage of students completing the following programs:

(A) Academic honors diploma.

(B) Core 40 curriculum.

(C) Vocational programs.

(8) The percentage of graduates who pursue higher education.

(9) School safety, including the number and percentage of students receiving suspension or expulsion for the possession of alcohol, drugs, or weapons.

(10) Financial information relevant to performance.

SECTION 6. IC 20-3.1-15-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. To provide the board with the necessary flexibility and resources to carry out this article, the following apply:

(1) The board may eliminate or modify existing policies and create new policies, and alter policies from time to time, subject to this article and the plan developed under IC 20-3.1-7.

(2) IC 20-7.5 does not apply to matters set forth in this article.

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The matters set forth in this article may not be the subject of collective bargaining or discussion under IC 20-7.5.

(3) An exclusive representative certified under IC 20-7.5 to represent certified employees of the school city, or any other entity voluntarily recognized by the board as a representative of employees providing educational services in the schools, may bargain collectively only concerning salary, wages, and salary and wage related fringe benefits. The exclusive representative may not bargain collectively or discuss performance awards under IC 20-3.1-12.

(4) The board of school commissioners may waive the following statutes and rules for any school in the school city without the need for administrative, regulatory, or legislative approval:

(A) The following rules concerning curriculum and instructional time:

511 IAC 6.1-3-4
511 IAC 6.1-5-0.5
511 IAC 6.1-5-1
511 IAC 6.1-5-2.5
511 IAC 6.1-5-3.5
511 IAC 6.1-5-4

(B) The following rules concerning pupil/teacher ratios:

511 IAC 6-2-1(b)(2)
511 IAC 6.1-4-1

(C) The following statutes and rules concerning textbooks, and rules adopted under the statutes:

IC 20-10.1-9-1
IC 20-10.1-9-18
IC 20-10.1-9-21
IC 20-10.1-9-23
~~IC 20-10.1-9-27~~
IC 20-10.1-10-1
IC 20-10.1-10-2
511 IAC 6.1-5-5

(D) The following rules concerning school principals:

511 IAC 6-2-1(c)(4)
511 IAC 6.1-4-2

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

(5) Notwithstanding any other law, a school city may do the following:

(A) Lease school transportation equipment to others for

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nonschool use when the equipment is not in use for a school city purpose.

(B) Establish a professional development and technology fund to be used for:

(i) professional development; or

(ii) technology, including video distance learning.

(C) Transfer funds obtained from sources other than state or local government taxation among any account of the school corporation, including a professional development and technology fund established under clause (B).

(6) Transfer funds obtained from property taxation among the general fund (established under IC 21-2-11) and the school transportation fund (established under IC 21-2-11.5), subject to the following:

(A) The sum of the property tax rates for the general fund and the school transportation fund after a transfer occurs under this subdivision may not exceed the sum of the property tax rates for the general fund and the school transportation fund before a transfer occurs under this clause.

(B) This clause does not allow a school corporation to transfer to any other fund money from the debt service fund (established under IC 21-2-4).

SECTION 7. IC 20-5-7-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 0.5. As used in this chapter, "treasurer" includes an assistant treasurer or a deputy treasurer.**

SECTION 8. IC 20-5-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. **(a)** Every public school in the state of Indiana shall have a treasurer for the purpose of this chapter who shall be the superintendent or principal of the particular school or some clerk of the school corporation or member of the faculty appointed by such superintendent or principal, such designation to be made immediately upon the opening of the school term or the vacating of such treasurership. All claims shall be filed and paid in accordance with the terms of section 2 of this chapter, and the power to appoint and engage such school treasurer or clerk is hereby granted to the employing and/or appointing officials of the school.

(b) A school corporation may appoint one (1) or more assistant or deputy treasurers.

SECTION 9. IC 20-5-62-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. Notwithstanding any other law, the operation of the following is suspended for a freeway

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

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

IC 20-10.1-2-2
IC 20-10.1-4-6
IC 20-10.1-4-7
IC 20-10.1-4-9.1
511 IAC 6-7-6
511 IAC 6.1-3-4
511 IAC 6.1-5-0.5
511 IAC 6.1-5-1
511 IAC 6.1-5-2.5
511 IAC 6.1-5-3.5
511 IAC 6.1-5-4

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

511 IAC 6-2-1(b)(2)
511 IAC 6.1-4-1

(3) The following statutes and rules concerning textbooks:

IC 20-10.1-9-1
IC 20-10.1-9-18
IC 20-10.1-9-21
IC 20-10.1-9-23
~~IC 20-10.1-9-27~~
IC 20-10.1-10-1
IC 20-10.1-10-2
511 IAC 6.1-5-5

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(7)~~ **(6)** that the amount of reimbursement requested for developmentally appropriate material is amortized for the number of years in which the material is used and does not exceed a total of one hundred percent (100%) of the costs incurred for the developmentally appropriate material; and

~~(8)~~ **(7)** any other information required by the department, including copies of purchase orders used to acquire consumable instructional materials used in special education and gifted and talented classes and developmentally appropriate material.

(e) Each school within a school corporation shall maintain complete and accurate information concerning the number of students determined to be eligible for assistance under this chapter. This information shall be provided to the department upon request.

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

(g) A school corporation may submit a supplemental reimbursement request under section 9.1 of this chapter. The school corporation is entitled to receive a supplemental reimbursement only if there are funds available. The department shall proportionately reduce the amount of supplemental reimbursement to each school corporation if the total amount requested exceeds the amount of money available to the department for this purpose. In the case of this supplemental reimbursement, the provisions in this section apply, except that section 9.1 of this chapter applies to the making of the supplemental request by

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the governing body of the school corporation.

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

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

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

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

(1) the appropriate application forms; and

(2) any assistance needed in completing the application form.

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

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

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

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

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

(2) the costs incurred in providing:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) ~~If a textbook:~~

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

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

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

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

~~(c)~~ The board may adopt only textbooks that:

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

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

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

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

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

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

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

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

(1) Adopt textbooks from the state adoption list.

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

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

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

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

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

~~(1) six (6) years; or~~

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

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

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

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

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

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

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

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

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

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

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

(1) Conducting feasibility studies concerning the following:

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

(B) Choice of enrollment programs.

(C) Establishing magnet schools.

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

(3) Exploring different or expanded testing methods.

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

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

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

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

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

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

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

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

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

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

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COMMITTEE REPORT

Mr. President: The Senate Committee on Education, to which was referred Senate Bill No. 391, 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:

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

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

(1) Graduation rate.

(2) Attendance rate.

(3) ISTEP scores, or, for a freeway school, scores on a locally adopted assessment program, if appropriate. ~~including the number and percentage of students:~~

~~(A) meeting an advanced standard; or~~

~~(B) meeting a proficient standard.~~

(4) Actual class size.

(5) The number and percentage of students in the following groups or programs:

(A) At risk.

(B) Vocational education.

(C) Special education.

(D) Gifted or talented.

(E) ~~Remediation/preventative~~ **Remediation and preventive** remediation.

(F) Technology preparation.

(6) Advanced placement, including the following:

(A) For advanced placement tests, the number and percentage of students:

(i) scoring three (3), four (4), and (5); ~~or~~ **and**

(ii) participating.

(B) For the Scholastic Aptitude Test: ~~the number and percentage of students:~~

(i) ~~above a designated proficient score;~~ **test scores; and**

(ii) ~~above a designated advanced score; or~~

~~(iii)~~ **the number and percentage of students** participating.

(7) Course completion, including the number and percentage of students completing the following programs:

(A) Academic honors diploma.

(B) Core 40 curriculum.

(C) Vocational programs.

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(8) The percentage of graduates who pursue higher education.

(9) School safety, including the number and percentage of students receiving suspension or expulsion for the possession of alcohol, drugs, or weapons.

(10) Financial information relevant to performance.

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

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

Page 14, strike lines 36 through 39.

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

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 391 as introduced.)

WEATHERWAX, Chairperson

Committee Vote: Yeas 10, Nays 0.

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