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# SENATE BILL No. 9

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 21-1-30; IC 21-2-12; IC 21-3; P.L.273-1999, SECTION 156; P.L.273-1999, SECTION 157; P.L.273-1999, SECTION 158

**Synopsis:** School funding. Changes the effective date of the provisions of the 1999 budget bill that changed the primetime education funding formula from a school year formula to a calendar year formula. Provides that the previous year distribution for primetime calculations is before any assessed penalty. Provides that a school corporation may include a classroom instructional aide as one-third of a teacher for primetime. Makes other changes to the school funding formula. Changes the Lake County supplemental property tax for schools. Moves from October 1 to April 1 the date for the department of workforce development to report on labor demand categories under the vocational education formula.

**Effective:** Upon passage; January 1, 2000; January 1, 2001.

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November 16, 1999, read first time and referred to Committee on Rules and Legislative Procedure.

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Second Regular Session 111th General Assembly (2000)

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 1999 General Assembly.

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# SENATE BILL No. 9



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

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

1 SECTION 1. IC 21-1-30-2 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 2. For purposes  
 3 of computation under this chapter, the following shall be used:  
 4 (1) Kindergarten pupils shall be counted as five-tenths (0.5). All  
 5 other pupils shall be counted as one (1).  
 6 (2) The number of pupils shall be the number of pupils used in  
 7 determining ADM, as defined by IC 21-3-1.6, for the current year.  
 8 ~~However, students who are transferred under IC 20-8.1-6.1 or~~  
 9 ~~IC 20-8.1-6.5 shall be counted as students having legal settlement~~  
 10 ~~in the transferee corporation and not having legal settlement in~~  
 11 ~~the transferor corporation.~~  
 12 (3) ~~Only a licensed teacher who is an actual classroom teacher in~~  
 13 ~~a regular instructional program shall be counted as a teacher;~~  
 14 ~~except as permitted under section 5 of this chapter.~~  
 15 (4) ~~If a school corporation is granted approval under section 5 of~~  
 16 ~~this chapter, the school corporation may include as one-third (1/3)~~  
 17 ~~of a teacher in its computation for funding under this chapter each~~



1 classroom instructional aide who meets qualifications and  
 2 performs duties prescribed by the Indiana state board of  
 3 education:

4 (5) Base year refers to the school year immediately preceding the  
 5 year that the school corporation implemented IC 21-1-29 (before  
 6 its repeal by P.L.278-1993(ss); SECTION 16) for a particular  
 7 grade level. However, if the enrollment and staffing patterns that  
 8 year for any reason did not fairly represent the normal enrollment  
 9 and staffing patterns of a particular school corporation for that  
 10 grade level, the department of education may adjust the base year  
 11 so that the base year reflects the normal staffing and enrollment  
 12 pattern for that school corporation. (3) The staff cost amount for  
 13 a school corporation is sixty-five thousand one hundred  
 14 dollars (\$65,100) for 2000 and sixty-seven thousand one  
 15 hundred dollars (\$67,100) for 2001.

16 (4) The guaranteed amount for a school corporation is the  
 17 primetime allocation, before any penalty is assessed under this  
 18 chapter, that the school corporation would have received  
 19 under this chapter for the 1999 calendar year.

20 (5) The at-risk index is the index determined under  
 21 IC 21-3-1.8-1.1.

22 (6) The following apply to determine whether amounts  
 23 received under this chapter have been devoted to reducing  
 24 class size in kindergarten through grade 3 as required by  
 25 section 3(b) of this chapter:

26 (A) Except as permitted under section 5.5 of this chapter,  
 27 only a licensed teacher who is an actual classroom teacher  
 28 in a regular instructional program is counted as a teacher.

29 (B) If a school corporation is granted approval under  
 30 section 5.5 of this chapter, the school corporation may  
 31 include as one-third (1/3) of a teacher each classroom  
 32 instructional aide who meets qualifications and performs  
 33 duties prescribed by the Indiana state board of education.

34 SECTION 2. IC 21-1-30-3 IS AMENDED TO READ AS  
 35 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 3. (a) The amount  
 36 to be distributed to a school corporation that implements under this  
 37 chapter for kindergarten is the amount determined under subdivision  
 38 (6) of by the following formula:

39 (1) Determine the quotient of:

40 (A) the ADM of the school corporation, as determined under  
 41 section 2(2) of this chapter in kindergarten for the current  
 42 school year; divided by

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- 1                   (B) eighteen (18).  
 2           (2) Determine the lesser of:  
 3                   (A) the amount determined under subdivision (1); or  
 4                   (B) the number of full-time teacher equivalents employed by  
 5                   the school corporation for the current school year in  
 6                   kindergarten classes.  
 7           (3) Determine the sum of:  
 8                   (A) the number of full-time teacher equivalents allocated by  
 9                   the school corporation to kindergarten classes for the  
 10                   respective base year; and  
 11                   (B) the net number of full-time teacher equivalents that the  
 12                   school corporation has reassigned since the base year; to grade  
 13                   levels affected by this chapter from grade levels not affected  
 14                   by this chapter; as determined by the Indiana state board of  
 15                   education; and as measured in the current year.  
 16           (4) Determine the remainder of:  
 17                   (A) the amount determined under subdivision (2); minus  
 18                   (B) the amount determined under subdivision (3).  
 19           (5) Determine the greater of:  
 20                   (A) the amount determined under subdivision (4); or  
 21                   (B) zero (0).  
 22           (6) Determine the product of:  
 23                   (A) the amount determined under subdivision (5); and  
 24                   (B) twenty-five thousand seven hundred fifty-two dollars  
 25                   (\$25,752) beginning with the 1995-1996 school year and  
 26                   twenty-six thousand five hundred twenty-six dollars (\$26,526)  
 27                   beginning with the 1996-1997 school year and for each school  
 28                   year thereafter.
- 29           **STEP ONE: Determine the applicable target pupil teacher**  
 30           **ratio for the school corporation as follows:**  
 31                   (A) If the school corporation's at-risk index is less than  
 32                   seventeen hundredths (0.17), the school corporation's  
 33                   target pupil teacher ratio is eighteen to one (18:1).  
 34                   (B) If the school corporation's at-risk index is at least  
 35                   seventeen hundredths (0.17) but less than twenty-seven  
 36                   hundredths (0.27), the school corporation's target pupil  
 37                   teacher ratio is fifteen (15) plus the result of:  
 38                   (i) determine the result of twenty-seven hundredths  
 39                   (0.27) minus the school corporation's at-risk index;  
 40                   (ii) determine the item (i) result divided by one-tenth  
 41                   (0.1); and  
 42                   (iii) determine the item (ii) result multiplied by three (3).

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- 1 (C) If the school corporation's at-risk index is at least  
 2 twenty-seven hundredths (0.27), the school corporation's  
 3 target pupil teacher ratio is fifteen to one (15:1).  
 4 **STEP TWO: Determine the result of:**  
 5 (A) the ADM of the school corporation, as determined  
 6 under section 2(2) of this chapter, in kindergarten through  
 7 grade 3 for the current school year; divided by  
 8 (B) the school corporation's target pupil teacher ratio, as  
 9 determined in STEP ONE.  
 10 **STEP THREE: Determine the result of:**  
 11 (A) the total regular general fund revenue (the amount  
 12 determined in STEP ONE of IC 21-3-1.7-8) multiplied by  
 13 seventy-five hundredths (0.75); divided by  
 14 (B) the school corporation's total ADM.  
 15 **STEP FOUR: Determine the result of:**  
 16 (A) the STEP THREE result; multiplied by  
 17 (B) the ADM of the school corporation, as determined  
 18 under section 2(2) of this chapter in kindergarten through  
 19 grade 3 for the current school year.  
 20 **STEP FIVE: Determine the result of:**  
 21 (A) the STEP FOUR result; divided by  
 22 (B) the staff cost amount.  
 23 **STEP SIX: Determine the greater of zero (0) or the result of:**  
 24 (A) the STEP TWO amount; minus  
 25 (B) the STEP FIVE amount.  
 26 **STEP SEVEN: Determine the result of:**  
 27 (A) the STEP SIX amount; multiplied by  
 28 (B) the staff cost amount.  
 29 **STEP EIGHT: Determine the greater of the STEP SEVEN**  
 30 **amount or the school corporation's guaranteed amount.**  
 31 **STEP NINE: Determine the lesser of the STEP EIGHT**  
 32 **amount or the amount the school corporation received under**  
 33 **this chapter for the previous calendar year multiplied by one**  
 34 **hundred thirteen percent (113%). For 2000 calculations, the**  
 35 **amount the school corporation received under this chapter for**  
 36 **the previous calendar year is the 1999 calendar year**  
 37 **allocation, before any penalty was assessed under this**  
 38 **chapter.**  
 39 (b) The amount received under this chapter shall be devoted to  
 40 reducing class size in kindergarten through grade 3. A school  
 41 corporation shall compile class size data for kindergarten through  
 42 grade 3 and report the data to the department of education for



1 **purposes of maintaining compliance with this chapter.**

2 SECTION 3. IC 21-1-30-5.5 IS ADDED TO THE INDIANA CODE  
3 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE  
4 JANUARY 1, 2000]: **Sec. 5.5. (a) The Indiana state board of  
5 education shall approve the counting of classroom instructional  
6 aides as teachers under this chapter if the school corporation can  
7 substantiate each year that providing adequate classroom space for  
8 the attainment of the school corporation's target pupil/teacher  
9 ratio creates an unreasonable hardship for that school corporation.**

10 **(b) If a school corporation qualifies under subsection (a) for  
11 classroom instructional aides, the school corporation shall present  
12 to the Indiana state board of education a plan concerning that  
13 school corporation's instructional aides program.**

14 SECTION 4. IC 21-2-12-3 IS AMENDED TO READ AS  
15 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 3. As used in this  
16 chapter:

17 (a) "County" means a county having a population of more than four  
18 hundred thousand (400,000) but less than seven hundred thousand  
19 (700,000).

20 (b) "County auditor", "county treasurer", and "county council" mean,  
21 respectively, the auditor, treasurer, and county council of the county.

22 (c) "School corporation" means any school corporation of the state  
23 of Indiana which has under its jurisdiction any territory located in the  
24 county.

25 (d) "County supplemental school financing tax" means the tax to be  
26 levied by the board of county commissioners under this chapter.

27 (e) "County school distribution fund" means the county fund into  
28 which the receipts from the county supplemental financing tax shall be  
29 credited and from which distributions to the school corporations shall  
30 be charged.

31 (f) "Average daily membership" or "ADM" has the meaning set  
32 forth in IC 21-3-1.6-1.1.

33 ~~(g) "Additional count" or "additional count per pupil" of a school  
34 corporation, or comparable language, means the additional count for  
35 certain pupils as set out in section 3.1 of this chapter and as determined  
36 at the times for calculating ADM.~~

37 ~~(h)~~ (g) "Assessed valuation" of any school corporation means the net  
38 assessed value of its real and taxable personal property adjusted by a  
39 percentage factor. For each school corporation this factor shall be the  
40 most recent adjustment factor computed by the state board of tax  
41 commissioners pursuant to IC 6-1.1-34.

42 ~~(i)~~ (h) "School year" means a year beginning July 1 and ending the

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1 next June 30.

2 (†) (i) The "entitlement" of a school corporation is that portion of the  
3 county school distribution fund to which any school corporation is  
4 entitled for any calendar year and on the basis of which the county  
5 supplemental school financing tax is set under the provisions of this  
6 chapter.

7 (†) (j) "Eligible pupil" has the meaning set forth in IC 21-3-1.6-1.1.

8 SECTION 5. IC 21-2-12-4.1 IS AMENDED TO READ AS  
9 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 4.1. (a) Each  
10 calendar year, commencing in 1976, the county council shall impose  
11 on account of this fund the county school supplemental financing tax  
12 on the real and personal property subject to taxation by the county at  
13 the same time it adopts the county's budget, tax levy, and tax rate for  
14 the next calendar year under IC 6-1.1-17. The council shall set a rate  
15 for this tax which will produce the aggregate amount of the  
16 entitlements of the school corporations for the next calendar year as set  
17 out in section 6.1 of this chapter. In no event, however, may the amount  
18 of such levy be greater than the total dollar amount of that levy for  
19 1972, payable in the calendar year 1973, assuming one hundred percent  
20 (100%) tax collection, multiplied by the ADA ratio (as defined in  
21 IC 6-1.1-19-1(d)).

22 (b) On or before July 10 of each year, the state superintendent of  
23 public instruction shall certify to the county auditor the consolidated  
24 ADA ratio of the school corporations in the county, the number of  
25 pupils in ADM and additional count of each school corporation in the  
26 county for the immediately preceding school year, and an estimate of  
27 these statistics for the succeeding school year. The county auditor shall  
28 compute the amount of the county supplemental school tax to be levied  
29 each year and on or before August 1 certify the amount to the county  
30 council. The rate required by this chapter shall be advertised and fixed  
31 by the county council in the same manner as other rates, and the tax  
32 rate shall be subject to all applicable law relating to review by the  
33 county tax adjustment board and the state board of tax commissioners.  
34 The state board of tax commissioners shall, however, certify the county  
35 supplemental school financing tax rate required by this chapter at the  
36 time it certifies the other county rates. The state board of tax  
37 commissioners shall raise or lower this rate to the rate provided in this  
38 chapter, whether below or above the rate advertised by the county.

39 SECTION 6. IC 21-2-12-6.1, AS AMENDED BY P.L.181-1999,  
40 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
41 JANUARY 1, 2001]: Sec. 6.1. (a) The county supplemental school  
42 financing tax revenues shall be deposited in the county supplemental



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1 school distribution fund. In addition, for purposes of allocating  
 2 distributions of tax revenues collected under IC 6-5-10, IC 6-5-11,  
 3 IC 6-5.5, IC 6-6-5, IC 6-6-5.5, or IC 6-6-6.5, the county supplemental  
 4 school financing tax shall be treated as if it were property taxes  
 5 imposed by a separate taxing unit. Thus, the appropriate portion of  
 6 those distributions shall be deposited in the county supplemental school  
 7 distribution fund.

8 (b) The entitlement of each school corporation from the county  
 9 supplemental school distribution fund for each calendar year after ~~1976~~  
 10 **2000** shall be the greater of:

11 (1) the amount of its entitlement for the calendar year ~~1976~~ **2000**  
 12 from the tax levied under this chapter; or

13 (2) an amount equal to ~~twenty-two~~ **twenty-seven** dollars and fifty  
 14 cents ~~(\$22.50)~~ **(\$27.50)** times the sum of its ADM. ~~plus the~~  
 15 ~~additional count of the school corporation for its pupils in all the~~  
 16 ~~categories set out in section 3-1 of this chapter for the school year~~  
 17 ~~ending in the year of distribution.~~

18 SECTION 7. IC 21-3-1.7-3.1 IS AMENDED TO READ AS  
 19 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 3.1. (a) As used  
 20 in this chapter, "previous year revenue" for calculations with respect to  
 21 a school corporation equals:

22 (1) the school corporation's tuition support for regular programs,  
 23 including basic tuition support, and excluding:

24 (A) special education grants;

25 (B) vocational education grants;

26 (C) at-risk programs;

27 (D) the enrollment adjustment grant; ~~and~~

28 (E) for 1999 and thereafter, the academic honors diploma  
 29 award; ~~and~~

30 **(F) for 2001 and thereafter, the primetime distribution;**

31 for the year that precedes the current year; plus

32 (2) the school corporation's tuition support levy for the year that  
 33 precedes the current year before the reductions required under  
 34 section 5(1), 5(2), and 5(3) of this chapter; plus

35 (3) the school corporation's excise tax revenue for the year that  
 36 precedes the current year by two (2) years; minus

37 (4) an amount equal to the reduction in the school corporation's  
 38 tuition support under subsection (b) or IC 20-10.1-2-1, or both.

39 (b) A school corporation's previous year revenue shall be reduced  
 40 if:

41 (1) the school corporation's state tuition support for special or  
 42 vocational education was reduced as a result of a complaint being

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1 filed with the department of education after December 31, 1988,  
 2 because the school program overstated the number of children  
 3 enrolled in special or vocational education programs; and  
 4 (2) the school corporation's previous year revenue has not been  
 5 reduced under this subsection more than one (1) time because of  
 6 a given overstatement.

7 The amount of the reduction equals the amount the school corporation  
 8 would have received in tuition support for special and vocational  
 9 education because of the overstatement.

10 SECTION 8. IC 21-3-1.7-8, AS AMENDED BY P.L.1-1999,  
 11 SECTION 51, AND P.L.273-1999, SECTION 137, IS CORRECTED  
 12 AND IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 13 JANUARY 1, 2000]: Sec. 8. Notwithstanding IC 21-3-1.6 and subject  
 14 to section 9 of this chapter, the state distribution for a calendar year for  
 15 tuition support for basic programs for each school corporation equals  
 16 the result determined using the following formula:

17 STEP ONE:

18 (A) **For a school corporation not described in clause (B),**  
 19 determine the **greater of the following:**

20 (A) **The product of:**

21 (i) the school corporation's target revenue per ADM;  
 22 multiplied by

23 (ii) the school corporation's adjusted ADM for the  
 24 current year; **school corporation's result under STEP**  
 25 **FIVE of section 6.7 of this chapter for the calendar year.**

26 (B) For a school corporation that has target revenue per  
 27 **adjusted** ADM for a calendar year that is equal to the  
 28 IC 21-3-1.7-6.7 STEP ONE (C) amount, determine the sum of:

29 (i) the school corporation's **target revenue per ADM**  
 30 **multiplied by the school corporation's adjusted ADM for the**  
 31 **current year; result under STEP ONE of section 6.7 of this**  
 32 **chapter for the calendar year; plus**

33 (ii) the amount of the annual decrease in federal aid to  
 34 impacted areas from the year preceding the ensuing calendar  
 35 year by three (3) years to the year preceding the ensuing  
 36 calendar year by two (2) years; plus

37 (iii) the original amount of an excessive tax levy the school  
 38 corporation imposed as a result of the passage, during the  
 39 preceding year, of a referendum under IC 6-1.1-19-4.5(c) for  
 40 taxes first due and payable during the year; plus

41 (iv) the part of the maximum general fund levy for the year  
 42 that equals the original amount of the levy imposed by the



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1 school corporation to cover the costs of opening a new  
2 school facility during the preceding year.

3 STEP TWO: Determine the remainder of:

- 4 (A) the STEP ONE amount; minus  
5 (B) the sum of:  
6 ~~(i)~~ (i) the school corporation's tuition support levy; plus  
7 (ii) the school corporation's excise tax revenue for the year  
8 that precedes the current year by one (1) year.

9 If the state tuition support determined for a school corporation under  
10 this section is negative, the school corporation is not entitled to any  
11 state tuition support. In addition, the school corporation's maximum  
12 general fund levy under IC 6-1.1-19-1.5 shall be reduced by the amount  
13 of the negative result.

14 SECTION 9. IC 21-3-12-2, AS ADDED BY P.L.273-1999,  
15 SECTION 146, IS AMENDED TO READ AS FOLLOWS  
16 [EFFECTIVE JANUARY 1, 2001]: Sec. 2. (a) Before ~~October~~ April  
17 1 of each year, the department of workforce development shall provide  
18 the department of education with a report listing whether the Indiana  
19 labor market demand for each generally recognized labor category is  
20 more than moderate, moderate, or less than moderate. In the report, the  
21 department of workforce development shall categorize each of the  
22 vocational education programs using the following four (4) categories:

- 23 (1) Programs that are addressing employment demand for  
24 individuals in labor market categories that are projected to need  
25 more than a moderate number of individuals.  
26 (2) Programs that are addressing employment demand for  
27 individuals in labor market categories that are projected to need  
28 a moderate number of individuals.  
29 (3) Programs that are addressing employment demand for  
30 individuals in labor market categories that are projected to need  
31 less than a moderate number of individuals.  
32 (4) All apprenticeship programs, cooperative education programs,  
33 and programs not covered by subdivisions (1) through (3) shall be  
34 included in this category.

35 (b) If a new vocational education program is created by rule of the  
36 Indiana state board of education, the department of workforce  
37 development shall determine the category in which the program should  
38 be included.

39 SECTION 10. THE FOLLOWING ARE REPEALED [EFFECTIVE  
40 JANUARY 1, 2000]: IC 21-1-30-3.1; IC 21-1-30-3.2; IC 21-1-30-3.3;  
41 IC 21-1-30-4; IC 21-1-30-5; IC 21-1-30-6; P.L.273-1999, SECTION  
42 156; P.L.273-1999, SECTION 157; P.L.273-1999, SECTION 158.



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1           SECTION 11. [EFFECTIVE UPON PASSAGE] **Notwithstanding**  
2 **the effective date of IC 21-3-12-2, as amended by this act, before**  
3 **April 1, 2000, the department of workforce development shall**  
4 **provide the department of education with the first report required**  
5 **by IC 21-3-12-2, as amended by this act, regarding the Indiana**  
6 **labor market demand for various vocations.**

7           SECTION 12. **An emergency is declared for this act.**

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