November 16, 1999

SENATE BILL No. 9

DIGEST OF SB 9 (Updated November 16, 1999 2:21 PM - DI 47)

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.

Mills

November 16, 1999, read first time and referred to Committee on Rules and Legislative Procedure.
November 16, 1999, reported favorably — Do Pass.

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November 16, 1999

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:

SECTION 1. IC 21-1-30-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 2. For purposes of computation under this chapter, the following shall be used:

(1) Kindergarten pupils shall be counted as five-tenths (0.5). All other pupils shall be counted as one (1).

(2) The number of pupils shall be the number of pupils used in determining ADM, as defined by IC 21-3-1.6, for the current year. ~~However, students who are transferred under IC 20-8.1-6.1 or IC 20-8.1-6.5 shall be counted as students having legal settlement in the transferee corporation and not having legal settlement in the transferor corporation.~~

~~(3) Only a licensed teacher who is an actual classroom teacher in a regular instructional program shall be counted as a teacher, except as permitted under section 5 of this chapter.~~

~~(4) If a school corporation is granted approval under section 5 of this chapter, the school corporation may include as one-third (1/3) of a teacher in its computation for funding under this chapter each~~

~~classroom instructional aide who meets qualifications and performs duties prescribed by the Indiana state board of education.~~

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

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

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

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

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

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

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

~~(1) Determine the quotient of:~~

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

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~~(B) eighteen (18).~~

~~(2) Determine the lesser of:~~

~~(A) the amount determined under subdivision (1); or~~

~~(B) the number of full-time teacher equivalents employed by the school corporation for the current school year in kindergarten classes.~~

~~(3) Determine the sum of:~~

~~(A) the number of full-time teacher equivalents allocated by the school corporation to kindergarten classes for the respective base year; and~~

~~(B) the net number of full-time teacher equivalents that the school corporation has reassigned since the base year, to grade levels affected by this chapter from grade levels not affected by this chapter, as determined by the Indiana state board of education, and as measured in the current year.~~

~~(4) Determine the remainder of:~~

~~(A) the amount determined under subdivision (2); minus~~

~~(B) the amount determined under subdivision (3).~~

~~(5) Determine the greater of:~~

~~(A) the amount determined under subdivision (4); or~~

~~(B) zero (0).~~

~~(6) Determine the product of:~~

~~(A) the amount determined under subdivision (5); and~~

~~(B) twenty-five thousand seven hundred fifty-two dollars ($25,752) beginning with the 1995-1996 school year and twenty-six thousand five hundred twenty-six dollars ($26,526) beginning with the 1996-1997 school year and for each school year thereafter.~~

STEP ONE: Determine the applicable target pupil teacher ratio for the school corporation as follows:

(A) If the school corporation's at-risk index is less than seventeen hundredths (0.17), the school corporation's target pupil teacher ratio is eighteen to one (18:1).

(B) If the school corporation's at-risk index is at least seventeen hundredths (0.17) but less than twenty-seven hundredths (0.27), the school corporation's target pupil teacher ratio is fifteen (15) plus the result of:

(i) determine the result of twenty-seven hundredths (0.27) minus the school corporation's at-risk index;

(ii) determine the item (i) result divided by one-tenth (0.1); and

(iii) determine the item (ii) result multiplied by three (3).

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(C) If the school corporation's at-risk index is at least twenty-seven hundredths (0.27), the school corporation's target pupil teacher ratio is fifteen to one (15:1).

STEP TWO: Determine the result of:

(A) the ADM of the school corporation, as determined under section 2(2) of this chapter, in kindergarten through grade 3 for the current school year; divided by

(B) the school corporation's target pupil teacher ratio, as determined in STEP ONE.

STEP THREE: Determine the result of:

(A) the total regular general fund revenue (the amount determined in STEP ONE of IC 21-3-1.7-8) multiplied by seventy-five hundredths (0.75); divided by

(B) the school corporation's total ADM.

STEP FOUR: Determine the result of:

(A) the STEP THREE result; multiplied by

(B) the ADM of the school corporation, as determined under section 2(2) of this chapter in kindergarten through grade 3 for the current school year.

STEP FIVE: Determine the result of:

(A) the STEP FOUR result; divided by

(B) the staff cost amount.

STEP SIX: Determine the greater of zero (0) or the result of:

(A) the STEP TWO amount; minus

(B) the STEP FIVE amount.

STEP SEVEN: Determine the result of:

(A) the STEP SIX amount; multiplied by

(B) the staff cost amount.

STEP EIGHT: Determine the greater of the STEP SEVEN amount or the school corporation's guaranteed amount.

STEP NINE: Determine the lesser of the STEP EIGHT amount or the amount the school corporation received under this chapter for the previous calendar year multiplied by one hundred thirteen percent (113%). For 2000 calculations, the amount the school corporation received under this chapter for the previous calendar year is the 1999 calendar year allocation, before any penalty was assessed under this chapter.

(b) The amount received under this chapter shall be devoted to reducing class size in kindergarten through grade 3. A school corporation shall compile class size data for kindergarten through grade 3 and report the data to the department of education for

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purposes of maintaining compliance with this chapter.

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

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

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

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

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

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

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

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

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

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

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

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

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next June 30.

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

~~(k)~~ **(j)** "Eligible pupil" has the meaning set forth in IC 21-3-1.6-1.1.

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

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

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

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

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

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

(2) an amount equal to ~~twenty-two~~ **twenty-seven** dollars and fifty cents ~~($22.50)~~ **($27.50)** times ~~the sum of~~ its ADM. ~~plus the additional count of the school corporation for its pupils in all the categories set out in section 3.1 of this chapter for the school year ending in the year of distribution.~~

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

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

(A) special education grants;

(B) vocational education grants;

(C) at-risk programs;

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

(E) for 1999 and thereafter, the academic honors diploma award; **and**

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

for the year that precedes the current year; plus

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

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

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

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

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

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filed with the department of education after December 31, 1988, because the school program overstated the number of children enrolled in special or vocational education programs; and

(2) the school corporation's previous year revenue has not been reduced under this subsection more than one (1) time because of a given overstatement.

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

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

STEP ONE:

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

~~(A) The product of:~~

~~(I) the school corporation's target revenue per ADM; multiplied by~~

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

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

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

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

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

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

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

STEP TWO: Determine the remainder of:

(A) the STEP ONE amount; minus

(B) the sum of:

~~(i)~~ **(i)** the school corporation's tuition support levy; plus

(ii) the school corporation's excise tax revenue for the year that precedes the current year by one (1) year.

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

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

(1) Programs that are addressing employment demand for individuals in labor market categories that are projected to need more than a moderate number of individuals.

(2) Programs that are addressing employment demand for individuals in labor market categories that are projected to need a moderate number of individuals.

(3) Programs that are addressing employment demand for individuals in labor market categories that are projected to need less than a moderate number of individuals.

(4) All apprenticeship programs, cooperative education programs, and programs not covered by subdivisions (1) through (3) shall be included in this category.

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

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

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

SECTION 12. **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. 9, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 9 as introduced.)

GARTON, Chairperson

Committee Vote: Yeas 8, Nays 0.

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