



January 27, 2006

SENATE BILL No. 324

DIGEST OF SB 324 (Updated January 25, 2006 5:48 pm - DI 71)

Citations Affected: IC 20-12; IC 20-18; IC 20-19; IC 20-26; IC 20-27; IC 20-28; IC 20-33; IC 34-30; IC 36-1; noncode.

Synopsis: Various education matters. Allows the use of school-owned buses for nonprofit organizations under certain conditions. Allows school corporations to independently contract for school nurses and other certified or licensed personnel to provide student services and health services. Requires the state board of education annually to: (1) analyze state statutes, rules, policies, and relationships to determine those that restrict school corporations and public schools from allocating resources to, and focusing efforts on, student instruction and learning; and (2) report the results of the analysis to the state superintendent of public instruction, the general assembly, and the governor. Makes statutes governing nonrenewal of contracts applicable to assistant superintendents, principals, assistant principals, and directors of special education consistent with statutes governing the nonrenewal of a superintendent's contract. Increases the cost of public works projects subject to the bidding process. Allows school corporations to declare themselves deregulated and waive certain statutes and rules. Allows up to one year or the school corporation's next budget year for school corporations to abate school building inspection violations. Removes the requirement for state and local attendance officers. Extends eligibility for the twenty-first century scholars program to students in grade 7. Authorizes the governing body of a school corporation to enter into a public works contract by a competitive sealed bidding process through a multistate cooperative purchasing program. Authorizes a municipal school corporation to purchase certain materials for a public works project under the public purchasing law. Provides that labor may be included in the purchase if certain conditions are met. Repeals superseded compulsory school attendance provisions.

Effective: July 1, 2006.

Drozda

January 10, 2006, read first time and referred to Committee on Education and Career Development.
January 26, 2006, amended, reported favorably — Do Pass.

SB 324—LS 6994/DI 109+



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January 27, 2006

Second Regular Session 114th General Assembly (2006)

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 2005 Regular Session of the General Assembly.

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SENATE BILL No. 324

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 20-12-70-2 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. As used in this
3 chapter, "eligible student" means a student who meets the following
4 requirements:
- 5 (1) Is a resident of Indiana.
 - 6 (2) Is enrolled in:
 - 7 **(A) for the 2006-2007 school year, grade 7 or 8; and**
 - 8 **(B) for the 2007-2008 school year and each subsequent**
 - 9 **school year, grade 8 grade 7;**
 - 10 at a public or an accredited nonpublic school.
 - 11 (3) Is eligible for free or reduced priced lunches under the
12 national school lunch program.
 - 13 (4) Agrees in writing, together with the student's custodial parents
14 or guardian, that the student will:
 - 15 (A) graduate from a secondary school located in Indiana that
 - 16 meets the admission criteria of an institution of higher
 - 17 learning;

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- 1 (B) not illegally use controlled substances (as defined in
- 2 IC 35-48-1-9);
- 3 (C) not commit a crime or infraction described in IC 9-30-5;
- 4 (D) not commit any other crime or delinquent act (as described
- 5 in IC 31-37-1-2 or IC 31-37-2-2 through IC 31-37-2-5 (or
- 6 IC 31-6-4-1(a)(1) through IC 31-6-4-1(a)(5) before their
- 7 repeal));
- 8 (E) when the eligible student is a senior in high school, timely
- 9 apply:
- 10 (i) to an institution of higher learning for admission; and
- 11 (ii) for any federal and state student financial assistance
- 12 available to the eligible student to attend an institution of
- 13 higher learning; and
- 14 (F) achieve a cumulative grade point average upon graduation
- 15 of at least 2.0 on a 4.0 grading scale (or its equivalent if
- 16 another grading scale is used) for courses taken during grades
- 17 9, 10, 11, and 12.

18 SECTION 2. IC 20-18-2-22, AS ADDED BY P.L.246-2005,
 19 SECTION 126, IS AMENDED TO READ AS FOLLOWS
 20 [EFFECTIVE JULY 1, 2006]: Sec. 22. (a) "Teacher" means a
 21 professional person whose position in a school corporation requires
 22 certain educational preparation and licensing.

23 (b) For purposes of IC 20-28, the term includes the following:

- 24 (1) A superintendent.
- 25 (2) A supervisor.
- 26 (3) A principal.
- 27 ~~(4) An attendance officer.~~
- 28 ~~(5) (4) A teacher.~~
- 29 ~~(6) (5) A librarian.~~

30 SECTION 3. IC 20-19-2-20 IS ADDED TO THE INDIANA CODE
 31 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 32 1, 2006]: **Sec. 20. (a) The state board shall analyze annually state,
 33 local, and other:**

- 34 **(1) statutes;**
- 35 **(2) rules;**
- 36 **(3) policies; and**
- 37 **(4) related requirements;**

38 **that affect school corporations and public schools to identify the**
 39 **statutes, rules, policies, and related requirements that restrict or**
 40 **inhibit the ability of school corporations and public schools to**
 41 **maximize the allocation of resources to, and focus efforts on,**
 42 **student instruction and learning, or to develop and implement**

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innovative approaches to improving student achievement.

(b) In conducting the analysis required under subsection (a), the state board may retain the assistance the state board considers necessary, including the assistance of the following:

- (1) The office of management and budget.**
- (2) A government efficiency commission that addresses schools.**
- (3) Consultants.**

(c) Following the annual identification of statutes, rules, policies, and related requirements under subsection (a), the state board may take one (1) or more of the following actions:

- (1) Repeal the rules, policies, or requirements that are within the authority of the state board. A repeal under this subdivision may be undertaken:**
 - (A) at any time;**
 - (B) following public comment; and**
 - (C) by emergency rule.**
- (2) Recommend to the general assembly the repeal of statutes. The recommendations under this subdivision must be made:**
 - (A) annually not later than September 1; and**
 - (B) to the executive director of the legislative services agency in an electronic format under IC 5-14-6.**
- (3) Report to the governor, the general assembly, and the state superintendent concerning the statutes, rules, policies, and requirements that are not within the authority of the state board or general assembly. A report under this subdivision:**
 - (A) may be made at any time; and**
 - (B) when made to the general assembly, must be made to the executive director of the legislative services agency in an electronic format under IC 5-14-6.**

SECTION 4. IC 20-26-13-11, AS ADDED BY P.L.242-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. (a) A student who has left school is not included in clauses (A) through (J) of STEP FIVE of the formula established in section 10 of this chapter unless the school corporation can provide written proof that the student has left the school for one (1) of the reasons set forth in clauses (A) through (J) of STEP FIVE of section 10 of this chapter. If the location of the student is unknown to the school, the principal of the school shall send a certified letter to the last known address of the student, inquiring about the student's whereabouts and status. If the student is not located after the certified letter is delivered or if no response is received, the principal may

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1 submit the student's information, including last known address, parent
 2 or guardian name, student testing number, and other pertinent data to
 3 the state attendance ~~officer~~ **official**. The state attendance ~~officer~~
 4 **official**, using all available state data and any other means available,
 5 shall attempt to locate the student and report the student's location and
 6 school enrollment status to the principal so that the principal can
 7 appropriately send student records to the new school or otherwise
 8 document the student's status.

9 (b) If a school corporation cannot provide written proof that a
 10 student should be included in clauses (A) through (J) of STEP FIVE of
 11 section 10 of this chapter, the student is considered a dropout.

12 SECTION 5. IC 20-26-16 IS ADDED TO THE INDIANA CODE
 13 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2006]:

15 **Chapter 16. Deregulated School Corporations**

16 **Sec. 1. The governing body of a school corporation may**
 17 **designate the school corporation as a deregulated school**
 18 **corporation that is free to focus on improving the academic**
 19 **achievement of the school corporation's students by using freedom**
 20 **from regulation to:**

- 21 (1) **allocate resources toward; and**
 22 (2) **focus efforts on;**
 23 **student instruction and learning.**

24 **Sec. 2. (a) To designate a school corporation as a deregulated**
 25 **school corporation that is free to focus on improving academic**
 26 **improvement, a governing body shall submit notice of the school**
 27 **corporation's intent to become a deregulated school corporation to**
 28 **the state board. The notice must:**

- 29 (1) **be in writing;**
 30 (2) **attest that the governing body has voted to become a**
 31 **deregulated school corporation that is free to focus on**
 32 **improving academic achievement; and**
 33 (3) **inform the state board that the school corporation will**
 34 **become a deregulated school corporation on the July 1 next**
 35 **following the date of the notice.**

36 (b) **A notice under this section is effective upon receipt by the**
 37 **state board.**

38 **Sec. 3. A school corporation becomes a deregulated school**
 39 **corporation that is free to focus on improving academic**
 40 **achievement on the July 1 next following the date of the governing**
 41 **body's notice to the state board.**

42 **Sec. 4. The following apply to a deregulated school corporation:**

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- (1) Except as specifically provided in this chapter, the following do not apply to a deregulated school corporation:**
 - (A) An Indiana statute applicable to a governing body or school corporation.**
 - (B) A rule or guideline adopted by the state board.**
 - (C) A rule or guideline adopted by the advisory board of the division of professional standards established by IC 20-28-2-2, except for those rules that assist a teacher in gaining or renewing a standard or advanced license.**
 - (D) A local regulation or policy adopted by the governing body of the deregulated school corporation, unless the regulation or policy is specifically readopted by the governing body after the governing body has voted to become a deregulated school corporation.**
- (2) The school corporation and schools within the school corporation must continue to comply with the following:**
 - (A) Applicable federal laws.**
 - (B) The Constitution of the State of Indiana.**
 - (C) Federal and state laws that prohibit discrimination.**
 - (D) Bidding, wage determination, and other statutes and rules that apply to the use of public funds for the construction, reconstruction, alteration, or renovation of a public building.**
 - (E) The following statutes:**
 - (i) IC 5-10.3 (public employees' retirement fund).**
 - (ii) IC 5-11-1-9 (required audits by the state board of accounts).**
 - (iii) IC 20-26-5-6 (subject to regulation by state agencies).**
 - (iv) IC 20-26-5-10 and IC 20-28-5-9 (criminal history).**
 - (v) IC 20-26-6-2 (unified accounting system).**
 - (vi) IC 20-28-4 (transition to teaching).**
 - (vii) IC 20-28-6, IC 20-28-7, IC 20-28-8, IC 20-28-9, and IC 20-28-10 (contracts with teachers and administrators, salary, and conditions of employment).**
 - (viii) IC 20-29 (collective bargaining).**
 - (ix) IC 20-30-2 (calendar).**
 - (x) IC 20-30-3-2 and IC 20-30-3-4 (patriotic and commemorative observances).**
 - (xi) IC 20-30-5-0.5 (concerning the pledge of allegiance).**
 - (xii) IC 20-30-10 (college preparation curriculum).**
 - (xiii) IC 20-30-11 (postsecondary enrollment program).**

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- 1 (xiv) IC 20-31 (accountability for school performance
- 2 and improvement).
- 3 (xv) IC 20-32 (student standards, assessment, and
- 4 performance).
- 5 (xvi) IC 20-33-2 (compulsory school attendance).
- 6 (xvii) IC 20-33-3 (limitations on employment of
- 7 children).
- 8 (xviii) IC 20-33-7 (parental access to education records).
- 9 (xix) IC 20-33-8 (student discipline).
- 10 (xx) IC 20-33-9 (reporting of student violations of law).
- 11 (xxi) IC 20-34-3 (health and safety measures).
- 12 (xxii) IC 20-34-4 (immunizations).
- 13 (xxiii) IC 20-35 (special education).
- 14 (xxiv) IC 21 (school finance).
- 15 (xxv) IC 21-6.1 (teacher retirement).

16 Sec. 5. (a) A deregulated school corporation shall submit
 17 periodic reports, at the times set by the state board, to the
 18 department and state board, with the content and in formats
 19 prescribed by the state board, containing the following
 20 information:

- 21 (1) Financial information.
- 22 (2) Student performance data, including the results of all
- 23 standardized testing, ISTEP program testing, and the
- 24 graduation examination.
- 25 (3) A description of the educational methods and teaching
- 26 methods employed.
- 27 (4) Daily attendance records.
- 28 (5) Graduation statistics, including the number of students
- 29 attaining Core 40 and academic honors diplomas.
- 30 (6) Student enrollment data, including the following:
- 31 (A) The number of students enrolled in the school
- 32 corporation and each school in the school corporation.
- 33 (B) The number of students suspended or expelled from
- 34 schools in the school corporation, including the reasons for
- 35 the suspensions or expulsions.
- 36 (C) The number of students who ceased to attend schools
- 37 in the school corporation, including the reasons for the
- 38 cessation.
- 39 (7) Any information necessary to comply with federal or state
- 40 reporting requirements.
- 41 (8) Any other information specified by the state board.

42 (b) A deregulated school corporation and each school within the

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1 school corporation shall publish the annual performance report
2 required under IC 20-20-8.

3 Sec. 6. (a) Before becoming a deregulated school corporation
4 under section 3 of this chapter, a governing body may waive any
5 statutes, rules, or policies that the governing body may waive
6 under section 4 of this chapter.

7 (b) A governing body shall submit notice of the statutes, rules,
8 or policies the governing body seeks to waive to the state board
9 under section 2 of this chapter.

10 (c) Unless the state board, with the advice of the department,
11 provides written notice to the governing body of reasons the
12 governing body may not waive a specific statute, rule, or policy, a
13 waiver under this section takes effect ninety (90) days after the
14 state board receives notice of the waiver.

15 Sec. 7. The state board may revoke the deregulated status of a
16 school corporation at any time if the state board determines that
17 at least one (1) of the following has occurred:

18 (1) The school corporation fails to comply with applicable
19 laws or conditions established under this chapter.

20 (2) The school corporation fails to meet the educational and
21 financial goals for the school corporation established by
22 federal or state law, or by the state board.

23 (3) The school corporation fails to comply with financial
24 management, accounting, or reporting requirements.

25 Sec. 8. Not later than December 31 of each year, the state board
26 shall issue a report to the governor and the general assembly
27 concerning the status, actions, and academic and financial results
28 of a deregulated school corporation. A report to the general
29 assembly must be made to the executive director of the legislative
30 services agency in an electronic format under IC 5-14-6.

31 SECTION 6. IC 20-27-9-6, AS ADDED BY P.L. 1-2005, SECTION
32 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
33 2006]: Sec. 6. (a) In addition to the exemptions granted in this chapter
34 and notwithstanding section 16 of this chapter, a school corporation
35 may allow a school bus operated under a fleet or transportation contract
36 and not owned in whole or in part by a public agency to be used for the
37 transportation of a group or an organization for any distance, if that
38 group or organization agrees to maintain the condition of the school
39 bus and to maintain order on the school bus while in use.

40 (b) When authorizing transportation described in subsection (a), the
41 school corporation shall require the owner of the school bus to:

42 (1) obtain written authorization of the superintendent of the

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- 1 contracting school corporation;
- 2 (2) clearly identify the school bus with the name of the sponsoring
- 3 group; and
- 4 (3) provide proof to the superintendent and the sponsoring group
- 5 of financial responsibility, as required by IC 9-25 and
- 6 IC 20-27-5-9 for the transportation.

7 (c) The governing body of a school corporation may allow, by
 8 written authorization, the use of a school bus owned in whole or in part
 9 by the school corporation for the transportation needs of:

- 10 (1) a fair or festival operated by or affiliated with a nonprofit
- 11 organization exempt from federal taxation under Section
- 12 501(c)(3) through 501(c)(7) of the Internal Revenue Code; or
- 13 (2) **any nonprofit organization exempt from federal taxation**
- 14 **under Section 501 (c)(3) through 501(c)(7) of the Internal**
- 15 **Revenue Code.**

16 (d) **When authorizing transportation described in subsection (c),**
 17 **the school corporation may only charge the organization for fuel.**

18 SECTION 7. IC 20-28-8-3, AS ADDED BY P.L.1-2005, SECTION
 19 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 20 2006]: Sec. 3. (a) Before February † of the year during which the
 21 contract of an assistant superintendent, a principal, or an assistant
 22 principal is due to expire, the governing body of the school corporation,
 23 or an employee at the direction of the governing body, shall give
 24 written notice of renewal or refusal to renew the individual's contract
 25 for the ensuing school year.

26 (b) If notice is not given before February † of the year during which
 27 the contract is due to expire, the contract then in force shall be
 28 reinstated only for the ensuing school year.

29 (c) This section does not prevent the modification or termination of
 30 a contract by mutual agreement of the assistant superintendent, the
 31 principal, or the assistant principal and the governing body. **An**
 32 **assistant superintendent, a principal, or an assistant principal's**
 33 **contract terminates only on the following dates and under the**
 34 **following conditions:**

- 35 (1) **On any date, if the governing body and the assistant**
- 36 **superintendent, principal, or assistant principal mutually**
- 37 **consent.**
- 38 (2) **Before the expiration date set forth in the contract, if the**
- 39 **governing body terminates the contract for cause under a**
- 40 **statute that sets forth causes for dismissal of teachers.**
- 41 **However, the governing body must give the assistant**
- 42 **superintendent, principal, or assistant principal proper notice**

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and, if the assistant superintendent, principal, or assistant principal requests a hearing at least ten (10) days before the termination, must grant the assistant superintendent, principal, or assistant principal a hearing at an official meeting of the governing body.

(3) On the expiration date set forth in the contract, if the governing body not later than January 1 of the year in which the contract expires gives notice to the assistant superintendent, principal, or assistant principal in writing, delivered in person or by registered mail.

(4) On the expiration date set forth in the contract, if the assistant superintendent, principal, or assistant principal not later than January 1 of the year in which the contract expires gives proper notice in writing to the governing body.

(b) If the governing body fails to give a termination notice under subsection (a), the assistant superintendent, principal, or assistant principal's contract is extended for twelve (12) months following the expiration date of the contract.

SECTION 8. IC 20-28-8-11, AS ADDED BY P.L.1-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. (a) Before February 1 of the year during which the contract of a local director is due to expire, the managing body, or an employee at the direction of the managing body, shall give written notice of renewal or refusal to renew the local director's contract for the ensuing school year.

(b) If notice is not given before February 1 of the year during which the contract is due to expire, the contract then in force is reinstated only for the ensuing school year.

(c) This section does not prevent the modification or termination of a contract by mutual agreement of the local director and the managing body. A local director's contract terminates only on the following dates and under the following conditions:

(1) On any date, if the governing body and the local director mutually consent.

(2) Before the expiration date set forth in the contract, if the governing body terminates the contract for cause under a statute that sets forth causes for dismissal of teachers. However, the governing body must give the local director proper notice and, if the local director requests a hearing at least ten (10) days before the termination, must grant the local director a hearing at an official meeting of the governing body.

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1 (3) On the expiration date set forth in the contract, if the
2 governing body not later than January 1 of the year in which
3 the contract expires gives notice to the local director in
4 writing, delivered in person or by registered mail.

5 (4) On the expiration date set forth in the contract, if the local
6 director not later than January 1 of the year in which the
7 contract expires gives proper notice in writing to the
8 governing body.

9 (b) If the governing body fails to give a termination notice under
10 subsection (a), the local director's contract is extended for twelve
11 (12) months following the expiration date of the contract.

12 SECTION 9. IC 20-33-2-18, AS ADDED BY P.L.1-2005,
13 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2006]: Sec. 18. (a) If a parent of a student does not send the
15 student to school because of the student's illness or mental or physical
16 incapacity, it is unlawful for the parent to fail or refuse to produce a
17 certificate of the illness or incapacity for ~~an attendance officer~~ **a school**
18 **administrator or the school administrator's designee** not later than
19 six (6) days after the certificate is demanded.

- 20 (b) The certificate required under this section must be signed by:
21 (1) an Indiana physician;
22 (2) an individual holding a license to practice osteopathy or
23 chiropractic in Indiana; or
24 (3) a Christian Science practitioner who resides in Indiana and is
25 listed in the Christian Science Journal.

26 SECTION 10. IC 20-33-2-20, AS ADDED BY P.L.1-2005,
27 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 JULY 1, 2006]: Sec. 20. (a) An accurate daily record of the attendance
29 of each student who is subject to compulsory school attendance under
30 this chapter shall be kept by every public and nonpublic school.

31 (b) In a public school, the record shall be open at all times for
32 inspection by:

- 33 ~~(1) attendance officers;~~
34 ~~(2) (1) school officials; and~~
35 ~~(3) (2) agents of the department of labor; and~~
36 **(3) agents of the department of education.**

37 Every teacher shall answer fully all lawful inquiries made by ~~an~~
38 ~~attendance officer~~, a school official, **an agent of the department of**
39 **education**, or an agent of the department of labor.

40 (c) In a nonpublic school, the record shall be required to be kept
41 solely to verify the enrollment and attendance of a student upon request
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1 (1) state superintendent; or
 2 (2) superintendent of the school corporation in which the
 3 nonpublic school is located.
 4 SECTION 11. IC 20-33-2-23, AS ADDED BY P.L.1-2005,
 5 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2006]: Sec. 23. (a) Each school ~~attendance officer;~~
 7 **administrator (or the administrator's designee)**, sheriff, marshal,
 8 and police officer in Indiana may take into custody any child who:
 9 (1) is required to attend school under this chapter; and
 10 (2) is found during school hours, unless accompanied:
 11 (A) by a parent; or
 12 (B) with the consent of a parent, by a relative by blood or
 13 marriage who is at least eighteen (18) years of age;
 14 in a public place, in a public or private conveyance, or in a place
 15 of business open to the public.
 16 (b) When an officer **or administrator (or administrator's**
 17 **designee)** takes a child into custody under this section, the officer **or**
 18 **administrator (or administrator's designee)** shall immediately
 19 deliver the child to the principal of the public or nonpublic school in
 20 which the child is enrolled. If a child is not enrolled in any school, then
 21 the officer **or administrator (or administrator's designee)** shall
 22 deliver the child into the custody of the principal of the public school
 23 in the attendance area in which the child resides. If a child is taken to
 24 the appropriate school and the principal is unavailable, the acting chief
 25 administrative officer of the school shall take custody of the child.
 26 (c) The powers conferred under this section may be exercised
 27 without warrant and without subsequent legal proceedings.
 28 SECTION 12. IC 20-33-2-25, AS ADDED BY P.L.1-2005,
 29 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2006]: Sec. 25. The superintendent or ~~an attendance officer a~~
 31 **school administrator (or the school administrator's designee)**
 32 having jurisdiction may report a child who is habitually absent from
 33 school in violation of this chapter to an intake officer of the juvenile
 34 court. The intake officer shall proceed in accord with IC 31-30 through
 35 IC 31-40.
 36 SECTION 13. IC 20-33-2-26, AS ADDED BY P.L.1-2005,
 37 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2006]: Sec. 26. (a) It is the duty of each:
 39 (1) superintendent;
 40 ~~(2) attendance officer;~~ and
 41 ~~(3) state attendance official;~~
 42 **(2) school administrator (or school administrator's designee);**

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1 to enforce this chapter in their respective jurisdictions and to execute
2 the affidavits authorized under this section. The duty is several, and the
3 failure of one (1) or more to act does not excuse another official from
4 the obligation to enforce this chapter.

5 (b) An affidavit against a parent for a violation of this chapter shall
6 be prepared and filed in the same manner and under the procedure
7 prescribed for filing affidavits for the prosecution of public offenses.

8 (c) An affidavit under this section shall be filed in the circuit court
9 of the county in which the affected child resides. The prosecuting
10 attorney shall file and prosecute actions under this section as in other
11 criminal cases. The court shall promptly hear cases brought under this
12 section.

13 SECTION 14. IC 20-33-2-47, AS ADDED BY P.L.1-2005,
14 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2006]: Sec. 47. (a) A school corporation may develop and
16 implement a system of notifying the parent of a student when:

- 17 (1) the student fails to attend school; and
- 18 (2) the student does not have an excused absence for that day.

19 (b) A school corporation or an accredited nonpublic school shall
20 report to the local health department **and the department of education**
21 the percentage of student absences above a threshold determined by the
22 department by rule adopted under IC 4-22-2.

23 (c) If a school corporation implements a notification system under
24 this chapter, the ~~attendance officer or the attendance officer's designee~~
25 **school administrator (or the school administrator's designee)** shall
26 make a reasonable effort to contact by telephone the parent of each
27 student who has failed to attend school and does not have an excused
28 absence for that day.

29 (d) If ~~an attendance officer or an attendance officer's designee~~ **a**
30 **school administrator (or the school administrator's designee)** has
31 made a reasonable effort to contact a parent under subsection (c), the
32 school corporation is immune from liability for any damages suffered
33 by the parent claimed because of failure to contact the parent.

34 SECTION 15. IC 34-30-2-85.2, AS AMENDED BY P.L.1-2005,
35 SECTION 221, IS AMENDED TO READ AS FOLLOWS
36 [EFFECTIVE JULY 1, 2006]: Sec. 85.2. IC 20-33-2-47(d) (Concerning
37 ~~attendance officer or officer's designee~~ **a school administrator or the**
38 **school administrator's designee** for failure to contact a parent or
39 guardian regarding a student's absences).

40 SECTION 16. IC 36-1-12-4 IS AMENDED TO READ AS
41 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) This section
42 applies whenever the cost of a public work project will be:

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- 1 (1) at least ~~seventy-five thousand dollars (\$75,000)~~ **one hundred**
- 2 **thousand dollars (\$100,000)** in:
- 3 (A) a consolidated city or second class city;
- 4 (B) a county containing a consolidated city or second class
- 5 city; or
- 6 (C) a regional water or sewage district established under
- 7 IC 13-26;
- 8 (2) at least ~~fifty thousand dollars (\$50,000)~~ **seventy-five**
- 9 **thousand dollars (\$75,000)** in:
- 10 (A) a third class city or town with a population of more than
- 11 five thousand (5,000); or
- 12 (B) a county containing a third class city or town with a
- 13 population of more than five thousand (5,000); or
- 14 (3) at least ~~twenty-five thousand dollars (\$25,000)~~ **fifty thousand**
- 15 **dollars (\$50,000)** in a political subdivision or an agency not
- 16 described in subdivision (1) or (2).
- 17 (b) The board must comply with the following procedure:
- 18 (1) The board shall prepare general plans and specifications
- 19 describing the kind of public work required, but shall avoid
- 20 specifications which might unduly limit competition. If the
- 21 project involves the resurfacing (as defined by IC 8-14-2-1) of a
- 22 road, street, or bridge, the specifications must show how the
- 23 weight or volume of the materials will be accurately measured
- 24 and verified.
- 25 (2) The board shall file the plans and specifications in a place
- 26 reasonably accessible to the public, which shall be specified in the
- 27 notice required by subdivision (3).
- 28 (3) Upon the filing of the plans and specifications, the board shall
- 29 publish notice in accordance with IC 5-3-1 calling for sealed
- 30 proposals for the public work needed.
- 31 (4) The notice must specify the place where the plans and
- 32 specifications are on file and the date fixed for receiving bids.
- 33 (5) The period of time between the date of the first publication
- 34 and the date of receiving bids shall be governed by the size of the
- 35 contemplated project in the discretion of the board, but it may not
- 36 be more than six (6) weeks.
- 37 (6) If the cost of a project is one hundred thousand dollars
- 38 (\$100,000) or more, the board shall require the bidder to submit
- 39 a financial statement, a statement of experience, a proposed plan
- 40 or plans for performing the public work, and the equipment that
- 41 the bidder has available for the performance of the public work.
- 42 The statement shall be submitted on forms prescribed by the state

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- 1 board of accounts.
- 2 (7) The board may not require a bidder to submit a bid before the
- 3 meeting at which bids are to be received. The meeting for
- 4 receiving bids must be open to the public. All bids received shall
- 5 be opened publicly and read aloud at the time and place
- 6 designated and not before.
- 7 (8) Except as provided in subsection (c), the board shall:
- 8 (A) award the contract for public work or improvements to the
- 9 lowest responsible and responsive bidder; or
- 10 (B) reject all bids submitted.
- 11 (9) If the board awards the contract to a bidder other than the
- 12 lowest bidder, the board must state in the minutes or memoranda,
- 13 at the time the award is made, the factors used to determine which
- 14 bidder is the lowest responsible and responsive bidder and to
- 15 justify the award. The board shall keep a copy of the minutes or
- 16 memoranda available for public inspection.
- 17 (10) In determining whether a bidder is responsive, the board may
- 18 consider the following factors:
- 19 (A) Whether the bidder has submitted a bid or quote that
- 20 conforms in all material respects to the specifications.
- 21 (B) Whether the bidder has submitted a bid that complies
- 22 specifically with the invitation to bid and the instructions to
- 23 bidders.
- 24 (C) Whether the bidder has complied with all applicable
- 25 statutes, ordinances, resolutions, or rules pertaining to the
- 26 award of a public contract.
- 27 (11) In determining whether a bidder is a responsible bidder, the
- 28 board may consider the following factors:
- 29 (A) The ability and capacity of the bidder to perform the work.
- 30 (B) The integrity, character, and reputation of the bidder.
- 31 (C) The competence and experience of the bidder.
- 32 (12) The board shall require the bidder to submit an affidavit:
- 33 (A) that the bidder has not entered into a combination or
- 34 agreement:
- 35 (i) relative to the price to be bid by a person;
- 36 (ii) to prevent a person from bidding; or
- 37 (iii) to induce a person to refrain from bidding; and
- 38 (B) that the bidder's bid is made without reference to any other
- 39 bid.
- 40 (c) Notwithstanding subsection (b)(8), a county may award sand,
- 41 gravel, asphalt paying materials, or crushed stone contracts to more
- 42 than one (1) responsible and responsive bidder if the specifications

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1 allow for bids to be based upon service to specific geographic areas and
2 the contracts are awarded by geographic area. The geographic areas do
3 not need to be described in the specifications.

4 SECTION 17. IC 36-1-12-22 IS ADDED TO THE INDIANA
5 CODE AS A NEW SECTION TO READ AS FOLLOWS
6 [EFFECTIVE JULY 1, 2006]: **Sec. 22. (a) A school corporation may
7 purchase the following materials for a public work project as
8 provided in IC 5-22:**

- 9 (1) **Roofing materials.**
- 10 (2) **Commercial floor coverings.**
- 11 (3) **Athletic resurfacing materials.**
- 12 (4) **Playground equipment.**

13 (b) **Labor used in any part of a public work project for which
14 materials are purchased under subsection (a) from a contractor
15 selected by a competitive sealed bidding process through a
16 cooperative purchasing program may be included in the purchase
17 if:**

- 18 (1) **the labor is performed by an Indiana based contractor or
19 subcontractor;**
- 20 (2) **the labor is subject to IC 5-16-7, except that the wage scale
21 must be established two (2) weeks before the issuance of a
22 contract for the actual performance of the work; and**
- 23 (3) **the employees of each Indiana based contractor or
24 subcontractor providing labor have completed or are enrolled
25 in an apprenticeship program certified by the United States
26 Department of Labor Bureau of Apprenticeship and Training.**

27 (c) **Notwithstanding the manner in which materials and labor
28 are purchased under this section, the cost of a public work project
29 under this section shall be determined in accordance with
30 IC 36-1-12-19.**

31 (d) **A purchase of materials and labor for a public work project
32 under this section is exempt from publishing notice under IC 5-3-1.**

33 SECTION 18. THE FOLLOWING ARE REPEALED [EFFECTIVE
34 JULY 1, 2006]: IC 20-33-2-31; IC 20-33-2-32; IC 20-33-2-33;
35 IC 20-33-2-34; IC 20-33-2-35; IC 20-33-2-36; IC 20-33-2-37;
36 IC 20-33-2-38; IC 20-33-2-39; IC 20-33-2-40; IC 20-33-2-41;
37 IC 20-33-2-42; IC 20-33-2-43.

38 SECTION 19. [EFFECTIVE JULY 1, 2006] (a) **As used in this
39 SECTION, "state board" refers to the Indiana state board of
40 education established by IC 20-19-2-2.**

41 (b) **The state board shall adopt rules to amend the personnel
42 and health services rules adopted by the state board and codified**

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1 at 511 IAC 4-1.5. The state board shall adopt rules required by this
2 subsection in the same manner as emergency rules are adopted
3 under IC 4-22-2-37.1. The rules adopted by the state board under
4 this subsection must allow a school corporation to enter into an
5 independent contract with an individual who holds at least:

6 (1) an associate degree in nursing; or

7 (2) a license issued under IC 25-23;

8 to provide student services or health services. The rules adopted
9 under this subsection expire on the date the rules are adopted by
10 the state board under IC 4-22-2, or January 1, 2007, whichever is
11 earlier.

12 SECTION 20. [EFFECTIVE JULY 1, 2006] (a) Notwithstanding
13 any other law, if, as a result of an inspection of a school building
14 under IC 22-14-2-11, the state fire marshal, or the fire marshal's
15 designee, determines that there is a safety violation, a school
16 corporation may be allowed a reasonable time for the abatement
17 of the violation up to a year following the determination or the
18 school corporation's next budget year, whichever is earlier.

19 (b) The expense of the abatement may be paid out of funds
20 appropriated for such purposes within the next budget year
21 following a violation determination described under subsection (a).

22 SECTION 21. An emergency is declared for this act.

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SENATE MOTION

Madam President: I move that Senator Alting be removed as author of Senate Bill 324 and that Senator Drozda be substituted therefor.

ALTING

 COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill No. 324, 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, line 7, delete "in".

Page 1, line 7, delete "6, 7," and insert "7".

Page 1, line 9, delete "6;" and insert "7;".

Page 2, between lines 29 and 30, begin a new paragraph and insert: "SECTION 3. IC 20-19-2-20 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 20. (a) The state board shall analyze annually state, local, and other:**

- (1) statutes;
- (2) rules;
- (3) policies; and
- (4) related requirements;

that affect school corporations and public schools to identify the statutes, rules, policies, and related requirements that restrict or inhibit the ability of school corporations and public schools to maximize the allocation of resources to, and focus efforts on, student instruction and learning, or to develop and implement innovative approaches to improving student achievement.

(b) In conducting the analysis required under subsection (a), the state board may retain the assistance the state board considers necessary, including the assistance of the following:

- (1) The office of management and budget.
- (2) A government efficiency commission that addresses schools.
- (3) Consultants.

(c) Following the annual identification of statutes, rules, policies, and related requirements under subsection (a), the state board may take one (1) or more of the following actions:

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(1) Repeal the rules, policies, or requirements that are within the authority of the state board. A repeal under this subdivision may be undertaken:

- (A) at any time;
- (B) following public comment; and
- (C) by emergency rule.

(2) Recommend to the general assembly the repeal of statutes. The recommendations under this subdivision must be made:

- (A) annually not later than September 1; and
- (B) to the executive director of the legislative services agency in an electronic format under IC 5-14-6.

(3) Report to the governor, the general assembly, and the state superintendent concerning the statutes, rules, policies, and requirements that are not within the authority of the state board or general assembly. A report under this subdivision:

- (A) may be made at any time; and
- (B) when made to the general assembly, must be made to the executive director of the legislative services agency in an electronic format under IC 5-14-6."

Page 3, between lines 10 and 11, begin a new paragraph and insert: "SECTION 6. IC 20-26-16 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 16. Deregulated School Corporations

Sec. 1. The governing body of a school corporation may designate the school corporation as a deregulated school corporation that is free to focus on improving the academic achievement of the school corporation's students by using freedom from regulation to:

- (1) allocate resources toward;
- (2) focus efforts on;

student instruction and learning.

Sec. 2. (a) To designate a school corporation as a deregulated school corporation that is free to focus on improving academic improvement, a governing body shall submit notice of the school corporation's intent to become a deregulated school corporation to the state board. The notice must:

- (1) be in writing;
- (2) attest that the governing body has voted to become a deregulated school corporation that is free to focus on improving academic achievement; and
- (3) inform the state board that the school corporation will

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become a deregulated school corporation on the July 1 next following the date of the notice.

(b) A notice under this section is effective upon receipt by the state board.

Sec. 3. A school corporation becomes a deregulated school corporation that is free to focus on improving academic achievement on the July 1 next following the date of the governing body's notice to the state board.

Sec. 4. The following apply to a deregulated school corporation:

(1) Except as specifically provided in this chapter, the following do not apply to a deregulated school corporation:

- (A) An Indiana statute applicable to a governing body or school corporation.
- (B) A rule or guideline adopted by the state board.
- (C) A rule or guideline adopted by the advisory board of the division of professional standards established by IC 20-28-2-2, except for those rules that assist a teacher in gaining or renewing a standard or advanced license.
- (D) A local regulation or policy adopted by the governing body of the deregulated school corporation, unless the regulation or policy is specifically readopted by the governing body after the governing body has voted to become a deregulated school corporation.

(2) The school corporation and schools within the school corporation must continue to comply with the following:

- (A) Applicable federal laws.
- (B) The Constitution of the State of Indiana.
- (C) Federal and state laws that prohibit discrimination.
- (D) Bidding, wage determination, and other statutes and rules that apply to the use of public funds for the construction, reconstruction, alteration, or renovation of a public building.
- (E) The following statutes:
 - (i) IC 5-10.3 (public employees' retirement fund).
 - (ii) IC 5-11-1-9 (required audits by the state board of accounts).
 - (iii) IC 20-26-5-6 (subject to regulation by state agencies).
 - (iv) IC 20-26-5-10 and IC 20-28-5-9 (criminal history).
 - (v) IC 20-26-6-2 (unified accounting system).
 - (vi) IC 20-28-4 (transition to teaching).
 - (vii) IC 20-28-6, IC 20-28-7, IC 20-28-8, IC 20-28-9, and

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- IC 20-28-10 (contracts with teachers and administrators, salary, and conditions of employment).
- (viii) IC 20-29 (collective bargaining).
- (ix) IC 20-30-2 (calendar).
- (x) IC 20-30-3-2 and IC 20-30-3-4 (patriotic and commemorative observances).
- (xi) IC 20-30-5-0.5 (concerning the pledge of allegiance).
- (xii) IC 20-30-10 (college preparation curriculum).
- (xiii) IC 20-30-11 (postsecondary enrollment program).
- (xiv) IC 20-31 (accountability for school performance and improvement).
- (xv) IC 20-32 (student standards, assessment, and performance).
- (xvi) IC 20-33-2 (compulsory school attendance).
- (xvii) IC 20-33-3 (limitations on employment of children).
- (xviii) IC 20-33-7 (parental access to education records).
- (xix) IC 20-33-8 (student discipline).
- (xx) IC 20-33-9 (reporting of student violations of law).
- (xxi) IC 20-34-3 (health and safety measures).
- (xxii) IC 20-34-4 (immunizations).
- (xxiii) IC 20-35 (special education).
- (xxiv) IC 21 (school finance).
- (xxv) IC 21-6.1 (teacher retirement).

Sec. 5. (a) A deregulated school corporation shall submit periodic reports, at the times set by the state board, to the department and state board, with the content and in formats prescribed by the state board, containing the following information:

- (1) Financial information.
- (2) Student performance data, including the results of all standardized testing, ISTEP program testing, and the graduation examination.
- (3) A description of the educational methods and teaching methods employed.
- (4) Daily attendance records.
- (5) Graduation statistics, including the number of students attaining Core 40 and academic honors diplomas.
- (6) Student enrollment data, including the following:
 - (A) The number of students enrolled in the school corporation and each school in the school corporation.
 - (B) The number of students suspended or expelled from

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schools in the school corporation, including the reasons for the suspensions or expulsions.

(C) The number of students who ceased to attend schools in the school corporation, including the reasons for the cessation.

(7) Any information necessary to comply with federal or state reporting requirements.

(8) Any other information specified by the state board.

(b) A deregulated school corporation and each school within the school corporation shall publish the annual performance report required under IC 20-20-8.

Sec. 6. (a) Before becoming a deregulated school corporation under section 3 of this chapter, a governing body may waive any statutes, rules, or policies that the governing body may waive under section 4 of this chapter.

(b) A governing body shall submit notice of the statutes, rules, or policies the governing body seeks to waive to the state board under section 2 of this chapter.

(c) Unless the state board, with the advice of the department, provides written notice to the governing body of reasons the governing body may not waive a specific statute, rule, or policy, a waiver under this section takes effect ninety (90) days after the state board receives notice of the waiver.

Sec. 7. The state board may revoke the deregulated status of a school corporation at any time if the state board determines that at least one (1) of the following has occurred:

(1) The school corporation fails to comply with applicable laws or conditions established under this chapter.

(2) The school corporation fails to meet the educational and financial goals for the school corporation established by federal or state law, or by the state board.

(3) The school corporation fails to comply with financial management, accounting, or reporting requirements.

Sec. 8. Not later than December 31 of each year, the state board shall issue a report to the governor and the general assembly concerning the status, actions, and academic and financial results of a deregulated school corporation. A report to the general assembly must be made to the executive director of the legislative services agency in an electronic format under IC 5-14-6."

Page 3, line 40, delete "gasoline." and insert "fuel."

Page 8, delete lines 15 through 42.

Delete page 9.

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Page 10, delete lines 1 through 40.

Page 11, line 9, delete "fifty".

Page 11, line 9, delete "(\$150,000)" and insert "**(\$100,000)**".

Page 13, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 16. IC 36-1-12-22 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 22. (a) A school corporation may purchase the following materials for a public work project as provided in IC 5-22:**

- (1) Roofing materials.**
- (2) Commercial floor coverings.**
- (3) Athletic resurfacing materials.**
- (4) Playground equipment.**

(b) Labor used in any part of a public work project for which materials are purchased under subsection (a) from a contractor selected by a competitive sealed bidding process through a cooperative purchasing program may be included in the purchase if:

- (1) the labor is performed by an Indiana based contractor or subcontractor;**
- (2) the labor is subject to IC 5-16-7, except that the wage scale must be established two (2) weeks before the issuance of a contract for the actual performance of the work; and**
- (3) the employees of each Indiana based contractor or subcontractor providing labor have completed or are enrolled in an apprenticeship program certified by the United States Department of Labor Bureau of Apprenticeship and Training.**

(c) Notwithstanding the manner in which materials and labor are purchased under this section, the cost of a public work project under this section shall be determined in accordance with IC 36-1-12-19.

(d) A purchase of materials and labor for a public work project under this section is exempt from publishing notice under IC 5-3-1."

Page 13, line 26, delete "or license".

Page 13, line 27, delete "certificate or".

Page 13, line 27, delete "by a professional" and insert "**under IC 25-23;**".

Page 13, delete line 28.

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Page 13, line 29, delete "serves" and insert "**services**".

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 324 as introduced.)

LUBBERS, Chairperson

Committee Vote: Yeas 7, Nays 0.

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