



February 4, 2011

HOUSE BILL No. 1429

DIGEST OF HB 1429 (Updated January 31, 2011 1:30 pm - DI 109)

Citations Affected: IC 4-13; IC 20-18; IC 20-19; IC 20-20; IC 20-25; IC 20-26; IC 20-30; IC 20-31; IC 20-32; IC 20-33.

Synopsis: Textbooks and other curricular material. Expands the definition of "textbook" to include certain hardware, software, and digital content. Adds a definition of "curricular materials". Removes the authority of the state board of education to adopt a list of approved textbooks, and requires the governing body of each school corporation to adopt textbooks for the school corporation. Requires the department of education to review curricular materials, evaluate the curricular materials alignment to state academic standards, and publish the reviews, which governing bodies may use in making textbook adoption decisions. Repeals references to the state textbook advisory committee and the state board adoption of textbooks, and makes corresponding changes to related sections.

Effective: July 1, 2011.

Yarde, Behning

January 18, 2011, read first time and referred to Committee on Education.
February 3, 2011, amended, reported — Do Pass.

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February 4, 2011

First Regular Session 117th General Assembly (2011)

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 2010 Regular Session of the General Assembly.

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HOUSE BILL No. 1429



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 4-13-1.6-3, AS AMENDED BY P.L.1-2005,
 2 SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2011]: Sec. 3. (a) As used in this chapter, "major equipment
 4 item" refers to any item that a school corporation considers:
 5 (1) a significant equipment purchase; and
 6 (2) reasonably likely to be purchased by several school
 7 corporations.
 8 (b) The term does not include the following:
 9 (1) A textbook ~~that has been adopted under IC 20-20-5.~~ (as
 10 **defined in IC 20-18-2-23**).
 11 (2) A special purpose bus (as defined in IC 20-27-2-10).
 12 (3) A school bus (as defined in IC 20-27-2-8).
 13 SECTION 2. IC 20-18-2-23, AS ADDED BY P.L.1-2005,
 14 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2011]: Sec. 23. "Textbook" means systematically organized
 16 material designed to provide a specific level of instruction in a subject
 17 matter category, **including:**

HB 1429—LS 7499/DI 71+



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- (1) books;**
- (2) hardware that will be consumed, accessed, or used by a single student during a semester or school year;**
- (3) computer software; and**
- (4) digital content.**

SECTION 3. IC 20-19-2-7, AS ADDED BY P.L.1-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 7. (a) Each member of the state board who is not an officer or employee of the state is entitled to an annual salary of two thousand dollars (\$2,000).

~~(b) Each member of the advisory committee who is not an officer or employee of the state is entitled to the minimum salary per diem provided in IC 4-10-11-2.1(b) while performing their respective duties as committee members.~~

~~(c)~~ **(b)** Each member of the state board ~~or the advisory committee~~ is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency. The compensation of members employed in the public schools may not be decreased because of regular service on the state board. ~~or the advisory committee.~~

SECTION 4. IC 20-19-2-8, AS AMENDED BY P.L.101-2009, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 8. (a) In addition to any other powers and duties prescribed by law, the state board shall adopt rules under IC 4-22-2 concerning, but not limited to, the following matters:

- (1) The designation and employment of the employees and consultants necessary for the department. The state board shall fix the compensation of employees of the department, subject to the approval of the budget committee and the governor under IC 4-12-2.
- (2) The establishment and maintenance of standards and guidelines for media centers, libraries, instructional materials centers, or any other area or system of areas in a school where a full range of information sources, associated equipment, and services from professional media staff are accessible to the school community. With regard to library automation systems, the state board may only adopt rules that meet the standards established by the state library board for library automation systems under IC 4-23-7.1-11(b).
- (3) The establishment and maintenance of standards for student

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1 personnel and guidance services.

2 (4) The establishment and maintenance of minimum standards for

3 driver education programs (including classroom instruction and

4 practice driving) and equipment. Classroom instruction standards

5 established under this subdivision must include instruction about:

6 (A) railroad-highway grade crossing safety; and

7 (B) the procedure for participation in the human organ donor

8 program;

9 and must provide, effective July 1, 2010, that the classroom

10 instruction may not be provided to a child less than fifteen (15)

11 years and one hundred eighty (180) days of age.

12 (5) The inspection of all public schools in Indiana to determine

13 the condition of the schools. The state board shall establish

14 standards governing the accreditation of public schools.

15 Observance of:

16 (A) IC 20-31-4;

17 (B) IC 20-28-5-2;

18 (C) IC 20-28-6-3 through IC 20-28-6-7;

19 (D) IC 20-28-9-7 and IC 20-28-9-8;

20 (E) IC 20-28-11; and

21 (F) IC 20-31-3, IC 20-32-4, IC 20-32-5, IC 20-32-6, and

22 IC 20-32-8;

23 is a prerequisite to the accreditation of a school. Local public

24 school officials shall make the reports required of them and

25 otherwise cooperate with the state board regarding required

26 inspections. Nonpublic schools may also request the inspection

27 for classification purposes. Compliance with the building and site

28 guidelines adopted by the state board is not a prerequisite of

29 accreditation.

30 ~~(6) Subject to section 9 of this chapter, the adoption and approval~~

31 ~~of textbooks under IC 20-20-5.~~

32 ~~(7) (6) The distribution of funds and revenues appropriated for the~~

33 ~~support of schools in the state.~~

34 ~~(8) (7) The state board may not establish an accreditation system~~

35 ~~for nonpublic schools that is less stringent than the accreditation~~

36 ~~system for public schools.~~

37 ~~(9) (8) A separate system for recognizing nonpublic schools under~~

38 ~~IC 20-19-2-10. Recognition of nonpublic schools under this~~

39 ~~subdivision constitutes the system of regulatory standards that~~

40 ~~apply to nonpublic schools that seek to qualify for the system of~~

41 ~~recognition.~~

42 ~~(10) (9) The establishment and enforcement of standards and~~

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1 guidelines concerning the safety of students participating in
 2 cheerleading activities.

3 (b) Before final adoption of any rule, the state board shall make a
 4 finding on the estimated fiscal impact that the rule will have on school
 5 corporations.

6 SECTION 5. IC 20-19-2-11, AS ADDED BY P.L.1-2005,
 7 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2011]: Sec. 11. (a) As used in this section, "plan" refers to a
 9 strategic and continuous school improvement and achievement plan
 10 developed under IC 20-31-5.

11 (b) A plan must:

12 (1) conform to the requirements of IC 20-31-5; and
 13 (2) include a professional development program that conforms to
 14 IC 20-20-31.

15 (c) The governing body may do the following for a school that
 16 participates in a plan:

17 (1) Invoke a waiver of a rule adopted by the state board under
 18 IC 20-31-5-5(b).
 19 (2) Develop a plan for the admission of students who do not
 20 reside in the school's attendance area but have legal settlement in
 21 the school corporation.

22 (d) In approving a school corporation's actions under this section,
 23 the state board shall consider whether the governing body has done the
 24 following:

25 (1) Approved a school's plan.
 26 (2) Demonstrated the support of the exclusive representative only
 27 for the professional development program component of the plan.

28 (e) The state board may waive any statute or rule relating to
 29 curriculum or ~~textbook selection on behalf of a school~~ in accordance
 30 with IC 20-31-5-5.

31 (f) As part of the plan, the governing body may develop and
 32 implement a policy to do the following:

33 (1) Allow the transfer of a student who resides in the school's
 34 attendance area but whose parent requests that the student attend
 35 another school in the school corporation of legal settlement.
 36 (2) Inform parents of their rights under this section.

37 (g) The state board shall adopt rules under IC 4-22-2 to implement
 38 this section.

39 SECTION 6. IC 20-20-5.5 IS ADDED TO THE INDIANA CODE
 40 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2011]:
 42 **Chapter 5.5. Curricular Materials**

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1 **Sec. 1. As used in this chapter, "curricular materials" means:**

- 2 (1) textbooks; and
 3 (2) material used to supplement or replace textbooks,
 4 including:
 5 (A) books and other printed material;
 6 (B) computer software; and
 7 (C) digital content.

8 **Sec. 2. (a) The department shall evaluate curricular materials.**
 9 **The evaluation must include an evaluation of:**

- 10 (1) the curricular materials' alignment to the academic
 11 standards adopted by the state board under IC 20-31-3-1; and
 12 (2) the appropriateness of the reading level of the curricular
 13 materials.

14 **(b) The department shall publish a report that describes the**
 15 **method used to conduct the evaluation required under subsection**
 16 **(a) and that contains the results of the evaluation. The report must:**

- 17 (1) provide a list of each curricular material evaluated and a
 18 summary of the evaluation for each curricular material;
 19 (2) be updated annually; and
 20 (3) provide a listing and summary review for the curricular
 21 materials that are aligned to the academic standards adopted
 22 by the state board under IC 20-31-3-1 for the following
 23 subjects for each grade level:

- 24 (A) English/language arts, including spelling, literature,
 25 and handwriting.
 26 (B) Reading.
 27 (C) Mathematics.
 28 (D) Science.
 29 (E) Social studies.
 30 (F) Miscellaneous.
 31 (G) World languages.

32 **(c) A governing body and superintendent may use the report**
 33 **under subsection (b) in complying with IC 20-26-12-24.**

34 **(d) To be included in the report under subsection (b), a**
 35 **publisher must provide the department a written exact and**
 36 **standard statewide price for each curricular material.**

37 **(e) A publisher may request that an update to the publisher's**
 38 **curricular materials and corresponding prices replace the**
 39 **curricular materials set forth in the report under subsection (b).**

40 **Sec. 3. (a) The state superintendent shall notify the governing**
 41 **bodies of each school corporation, charter school, and accredited**
 42 **nonpublic school immediately of:**

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- 1 (1) the initial publication and annual update on the
- 2 department's Internet web site of the report described in
- 3 section 2(b) of this chapter, including the Internet web site
- 4 address where the report is published; and
- 5 (2) updates of the following types of information in the report
- 6 described in section 2(b) of this chapter:
- 7 (A) The addition of materials.
- 8 (B) The removal of materials.
- 9 (C) Changes in the per unit price of curricular materials
- 10 that exceed five percent (5%).

11 (b) A notification under this section must state that:

- 12 (1) the curricular materials included in the report described
- 13 in section 2(b) of this chapter are departmental reviews only;
- 14 and
- 15 (2) each governing body has authority to adopt textbooks for
- 16 a school corporation.

17 SECTION 7. IC 20-25-16-1, AS AMENDED BY P.L.2-2006,
18 SECTION 116, IS AMENDED TO READ AS FOLLOWS
19 [EFFECTIVE JULY 1, 2011]: Sec. 1. To provide the board with the
20 necessary flexibility and resources to carry out this article, the
21 following apply:

- 22 (1) The board may:
- 23 (A) eliminate or modify existing policies;
- 24 (B) create new policies; and
- 25 (C) alter policies;
- 26 subject to this article and the plan developed under IC 20-25-10.
- 27 (2) IC 20-29 applies to the school city, except for the provision of
- 28 IC 20-29-6-7(a) that requires any items included in the 1972-1973
- 29 agreements between an employer school corporation and an
- 30 employee organization to continue to be bargainable.
- 31 (3) The board may waive the following statutes and rules for any
- 32 school in the school city without administrative, regulatory, or
- 33 legislative approval:
- 34 (A) The following rules concerning curriculum and
- 35 instructional time:
- 36 ~~511 IAC 6.1-3-4~~
- 37 511 IAC 6.1-5-0.5
- 38 511 IAC 6.1-5-1
- 39 511 IAC 6.1-5-2.5
- 40 511 IAC 6.1-5-3.5
- 41 511 IAC 6.1-5-4.
- 42 (B) 511 IAC 6.1-4-1 concerning student/teacher ratios.

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1 ~~(C)~~ The following statutes and rules concerning textbooks and
2 rules adopted under the statutes:
3 ~~IC 20-20-5-1~~ through ~~IC 20-20-5-4~~
4 ~~IC 20-20-5-23~~
5 ~~IC 20-26-12-1~~
6 ~~IC 20-26-12-2~~
7 ~~IC 20-26-12-24~~
8 ~~IC 20-26-12-26~~
9 ~~IC 20-26-12-28~~
10 ~~511 IAC 6.1-5-5.~~
11 ~~(D)~~ (C) 511 IAC 6.1-4-2 concerning school principals.
12 (4) Notwithstanding any other law, a school city may do the
13 following:
14 (A) Lease school transportation equipment to others for
15 nonschool use when the equipment is not in use for a school
16 city purpose.
17 (B) Establish a professional development and technology fund
18 to be used for:
19 (i) professional development; or
20 (ii) technology, including video distance learning.
21 (C) Transfer funds obtained from sources other than state or
22 local government taxation to any account of the school
23 corporation, including a professional development and
24 technology fund established under clause (B).
25 (5) Transfer funds obtained from property taxation to the general
26 fund and the school transportation fund, subject to the following:
27 (A) The sum of the property tax rates for the general fund and
28 the school transportation fund after a transfer occurs under this
29 subdivision may not exceed the sum of the property tax rates
30 for the general fund and the school transportation fund before
31 a transfer occurs under this subdivision.
32 (B) This subdivision does not allow a school corporation to
33 transfer to any other fund money from the debt service fund.
34 SECTION 8. IC 20-26-12-1, AS ADDED BY P.L.1-2005,
35 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 JULY 1, 2011]: Sec. 1. (a) Except as provided in subsections (b) and
37 (c) and notwithstanding any other law, each governing body shall
38 purchase from a ~~contracting~~ publisher, at a price equal to or less than
39 ~~the net contract price; either individually or through a purchasing~~
40 **cooperative of school corporations**, the textbooks ~~adopted by the state~~
41 ~~board and~~ selected by the proper local officials, and shall rent these
42 textbooks to each student enrolled in a public school that is:

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- 1 (1) in compliance with the minimum certification standards of the
- 2 **state board; and**
- 3 (2) located within the attendance unit served by the governing
- 4 body.
- 5 (b) This section does not prohibit the purchase of textbooks at the
- 6 option of a student or the providing of free textbooks by the governing
- 7 body under sections 6 through 21 of this chapter.
- 8 (c) This section does not prohibit a governing body from suspending
- 9 the operation of this section under a contract entered into under
- 10 IC 20-26-15.

11 SECTION 9. IC 20-26-12-2, AS ADDED BY P.L.1-2005,
 12 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2011]: Sec. 2. (a) A governing body may purchase from a
 14 ~~contracting publisher, at a price equal to or less than the net contract~~
 15 ~~price; any textbook adopted by the state board and~~ selected by the
 16 proper local officials. The governing body may rent these textbooks to
 17 students enrolled in any public or nonpublic school that is:

- 18 (1) in compliance with the minimum certification standards of the
- 19 state board; and
- 20 (2) located within the attendance unit served by the governing
- 21 body.

22 The annual rental rate may not exceed twenty-five percent (25%) of the
 23 retail price of the textbooks.

24 (b) Notwithstanding subsection (a), the governing body may not
 25 assess a rental fee of more than fifteen percent (15%) of the retail price
 26 of a textbook that has been:

- 27 ~~(1) adopted for usage by students under IC 20-20-5;~~
- 28 ~~(2) (1) extended for usage by students under IC 20-20-5-2;~~
- 29 **section 24(e) of this chapter; and**
- 30 ~~(3) paid for through rental fees previously collected.~~

31 (c) This section does not limit other laws.

32 SECTION 10. IC 20-26-12-6, AS ADDED BY P.L.1-2005,
 33 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2011]: Sec. 6. (a) Sections 7 through 21 of this chapter apply
 35 to ~~elementary and high~~ school libraries that contain free textbooks. The
 36 textbooks must be ~~adopted by the board and~~ selected by the proper
 37 local officials.

38 (b) As used in sections 6 through 21 of this chapter, "resident
 39 student" means a student enrolled in any of the grades in any school
 40 located in a school corporation, whether the student resides there or is
 41 transferred there for school purposes.

42 SECTION 11. IC 20-26-12-15, AS ADDED BY P.L.231-2005,

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1 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 2 JULY 1, 2011]: Sec. 15. (a) A governing body shall ~~requisition~~
 3 **purchase** the necessary textbooks from ~~the contracting~~ publishers.
 4 ~~approved by the state board~~. The ~~contracting~~ publisher shall ship the
 5 textbooks to the governing body not more than ninety (90) days after
 6 the requisition. On receipt of the textbooks, the governing body's
 7 school corporation has custody of the textbooks. The governing body
 8 shall provide a receipt to the contracting publisher and reimburse the
 9 contracting publisher the amount owed by the school corporation from
 10 the school corporation's general fund.

11 (b) A governing body shall purchase textbooks:

- 12 (1) from a resident student who presents the textbooks for sale on
 13 or before the beginning of the school term in which the books are
 14 to be used;
 15 (2) with money from the school corporation's general fund; and
 16 (3) at a price based on the original price to the school corporation
 17 minus a reasonable reduction for damage from usage.

18 SECTION 12. IC 20-26-12-23, AS ADDED BY P.L.1-2005,
 19 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2011]: Sec. 23. (a) A school corporation may:

- 21 (1) borrow money to buy textbooks; and
 22 (2) issue notes, maturing serially in not more than six (6) years
 23 and payable from its general fund, to secure the loan.

24 However, when an adoption is made by the ~~state board~~ **proper local**
 25 **officials** for less than six (6) years, the period for which the notes may
 26 be issued is limited to the period for which that adoption is effective.

27 (b) Notwithstanding subsection (a), a school township may not
 28 borrow money to purchase textbooks unless a petition requesting such
 29 an action and bearing the signatures of twenty-five percent (25%) of
 30 the resident taxpayers of the school township has been presented to and
 31 approved by the township trustee and township board.

32 SECTION 13. IC 20-26-12-24, AS ADDED BY P.L.1-2005,
 33 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2011]: Sec. 24. (a) The superintendent shall establish
 35 procedures for textbook adoption. The procedures must include the
 36 involvement of teachers and parents on an advisory committee for the
 37 preparation of recommendations for textbook adoptions. The majority
 38 of the members of the advisory committee must be teachers, and at
 39 least forty percent (40%) of the committee must be parents. These
 40 recommendations shall be submitted to the superintendent in
 41 accordance with the established procedures in the local school
 42 corporation.

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1 (b) The governing body, upon receiving these recommendations
 2 from the superintendent, shall adopt ~~from the state textbook adoption~~
 3 ~~lists~~ a textbook for use in teaching each subject in the school
 4 corporation.

5 (c) A special committee of teachers and parents may also be
 6 appointed to review books, magazines, and audiovisual material used
 7 or proposed for use in the classroom to supplement state adopted
 8 textbooks and may make recommendations to the superintendent and
 9 the governing body concerning the use of this material.

10 (d) A textbook selected shall be used for the lesser of:

11 (1) six (6) years; or

12 (2) the effective period of the ~~state board's adoption of academic~~
 13 **standards adopted by the state board to which** that textbook is
 14 **aligned.**

15 (e) A selection may be extended beyond that period for up to six (6)
 16 years. ~~if the governing body is granted a waiver under section 28 of this~~
 17 ~~chapter.~~

18 **(f) The governing body may, if the governing body considers it**
 19 **appropriate, retain a textbook adopted under this section and**
 20 **authorize the purchase of supplemental materials to ensure**
 21 **continued alignment with academic standards adopted by the state**
 22 **board.**

23 **(g) The superintendent, advisory committee, and governing**
 24 **body may consider using the list of curricular materials (as defined**
 25 **in IC 20-20-5.5-1) provided by the department under IC 20-20-5.5.**

26 **(h) Notwithstanding subsection (g) and this chapter, the**
 27 **superintendent, advisory committee, and governing body shall**
 28 **adopt reading textbooks from the list of recommended curricular**
 29 **materials provided by the department under IC 20-20-5.5.**

30 **(i) A governing body may not purchase textbooks from a**
 31 **publisher unless the publisher agrees to provide or grant a license**
 32 **to the school corporation to allow for the reproduction of adopted**
 33 **textbooks in:**

34 **(1) large type;**

35 **(2) Braille;**

36 **(3) audio format; and**

37 **(4) formats necessary to ensure usability for all students in the**
 38 **school corporation.**

39 SECTION 14. IC 20-26-12-25, AS ADDED BY P.L.1-2005,
 40 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2011]: Sec. 25. ~~(a)~~ After a local superintendent has selected
 42 textbooks under this chapter, and not later than July 1, when new

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1 contracts become effective, the superintendent shall forward to the
2 state board a list of those selections for all subjects and grades.

3 (b) The state board shall:

- 4 (1) examine the lists forwarded under subsection (a); and
- 5 (2) if the state board finds a deviation from the state adopted list
6 and a waiver has not been granted under section 28 of this
7 chapter; notify the local superintendent of the deviation.

8 If the school corporation does not comply with this chapter within
9 thirty (30) days after receiving the notification; the state board shall
10 cancel the accreditation of the offending schools.

11 SECTION 15. IC 20-30-5-8, AS ADDED BY P.L.1-2005,
12 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2011]: Sec. 8. A course in safety education for at least one (1)
14 full semester shall be taught in grade 8 of each public school and
15 nonpublic school. The state board shall (†) prepare a guide for this
16 course that:

- 17 (A) (1) the teacher shall use; and
- 18 (B) (2) may be revised under the direction of the state board. and
19 (2) adopt textbooks or other materials for the course under
20 IC 20-20-5.

21 SECTION 16. IC 20-30-6-14, AS ADDED BY P.L.1-2005,
22 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 JULY 1, 2011]: Sec. 14. The state board shall:

- 24 (1) provide school corporations with guides for teaching
25 geography in the public schools;
- 26 (2) provide school corporations with a list of textbooks that have
27 been adopted under IC 20-20-5 and are available for geography
28 instruction; and
- 29 (3) (2) make available in-service training opportunities to teachers
30 who teach geography.

31 SECTION 17. IC 20-31-3-3, AS ADDED BY P.L.1-2005,
32 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
33 JULY 1, 2011]: Sec. 3. The department shall revise and update
34 academic standards:

- 35 (1) for each grade level from kindergarten through grade 12; and
- 36 (2) in each subject area listed in section 2 of this chapter;

37 at least once every six (6) years. This revision must occur on a cyclical
38 basis. that coincides with the textbook adoption cycle established in
39 IC 20-20-5-6.

40 SECTION 18. IC 20-32-5-5, AS ADDED BY P.L.1-2005,
41 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 JULY 1, 2011]: Sec. 5. The department shall make general language

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1 arts essay scoring rubrics available to the public at least four (4)
2 months before the administration of a test. An essay question, a scoring
3 rubric, or an anchor paper used in the ISTEP program must ~~comply~~
4 ~~with the following:~~

- 5 ~~(1) For an essay question, have a prompt that is taken from:~~
 - 6 ~~(A) a textbook on the state textbook adoption list included in~~
 - 7 ~~IC 20-20-5; or~~
 - 8 ~~(B) a source other than a source listed in clause (A) that is~~
 - 9 ~~approved by the ISTEP program citizens' review committee~~
 - 10 ~~established under IC 20-32-6.~~
- 11 ~~(2) not seek or compile information about a student's:~~
 - 12 ~~(A) (1) personal attitudes;~~
 - 13 ~~(B) (2) political views;~~
 - 14 ~~(C) (3) religious beliefs;~~
 - 15 ~~(D) (4) family relationships; or~~
 - 16 ~~(E) (5) other matters listed in IC 20-30-5-17(b).~~

17 The ISTEP program citizens' review committee shall determine
18 whether an essay question or a scoring rubric complies with this
19 ~~subdivision.~~ **section.**

20 SECTION 19. IC 20-33-5-3, AS ADDED BY P.L.1-2005,
21 SECTION 17, IS AMENDED TO READ AS FOLLOWS: Sec. 3. (a)
22 If a parent of a child or an emancipated minor who is enrolled in a
23 public school, in kindergarten or grades 1 through 12, meets the
24 financial eligibility standard under section 2 of this chapter, the parent
25 or the emancipated minor may not be required to pay the fees for
26 school books, supplies, or other required class fees. The fees shall be
27 paid by the school corporation that the child attends.

28 (b) The school corporation may apply for a reimbursement under
29 section 7 of this chapter from the department of the costs incurred
30 under subsection (a).

31 (c) To the extent the reimbursement received by the school
32 corporation is less than the textbook rental fee assessed for textbooks
33 that have been adopted under IC 20-20-5-1 through IC 20-20-5-4, ~~or~~
34 ~~waived under IC 20-26-12-28,~~ the school corporation may request that
35 the parent or emancipated minor pay the balance of this amount.

36 SECTION 20. IC 20-33-5-7, AS ADDED BY P.L.1-2005,
37 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38 JULY 1, 2011]: Sec. 7. (a) If a determination is made that the applicant
39 is eligible for assistance, the school corporation shall pay the cost of the
40 student's required fees.

41 (b) A school corporation may receive a reimbursement from the
42 department for some or all of the costs incurred by a school corporation

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1 during a school year in providing textbook assistance to students who
2 are eligible under section 2 of this chapter.

3 (c) To be guaranteed some level of reimbursement from the
4 department, the governing body of a school corporation shall request
5 the reimbursement before November 1 of a school year.

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

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

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

10 (A) textbooks (including textbooks used in special education
11 and high ability classes) to these students;

12 (B) workbooks, **digital content**, and consumable textbooks
13 (including workbooks, consumable textbooks, and other
14 consumable instructional materials that are used in special
15 education and high ability classes) that are used by students
16 for not more than one (1) school year; ~~and~~

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

20 **and**

21 **(D) curricular materials (as defined in IC 20-20-5.5-1);**

22 (3) that each textbook described in subdivision (2)(A) and
23 included in the reimbursement request (except those textbooks
24 used in special education classes and high ability classes) has
25 been adopted by the ~~state board under IC 20-20-5-1~~ through
26 ~~IC 20-20-5-4~~ or has been waived by the state board of education
27 ~~under IC 20-26-12-28~~; **governing body**;

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

32 (5) that the amount of reimbursement requested for each
33 workbook or consumable textbook (or other consumable
34 instructional material used in special education and high ability
35 classes) under subdivision (2)(B), if applicable, does not exceed
36 one hundred percent (100%) of the costs incurred for the
37 workbook, **digital content**, or consumable textbook (or other
38 consumable instructional material used in special education and
39 high ability classes);

40 (6) that the amount of reimbursement requested for each textbook
41 used in special education and high ability classes is amortized for
42 the number of years in which the textbook is used;

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1 (7) that the amount of reimbursement requested for
 2 developmentally appropriate material is amortized for the number
 3 of years in which the material is used and does not exceed a total
 4 of one hundred percent (100%) of the costs incurred for the
 5 developmentally appropriate material; and
 6 (8) any other information required by the department, including
 7 copies of purchase orders used to acquire consumable
 8 instructional materials used in special education and high ability
 9 classes and developmentally appropriate material.

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

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

18 (g) A school corporation may submit a supplemental reimbursement
 19 request under section 8 of this chapter. The school corporation is
 20 entitled to receive a supplemental reimbursement only if there are
 21 funds available. The department shall proportionately reduce the
 22 amount of supplemental reimbursement to each school corporation if
 23 the total amount requested exceeds the amount of money available to
 24 the department for this purpose. In the case of a supplemental
 25 reimbursement, the provisions in this section apply, except that section
 26 8 of this chapter applies to the making of the supplemental request by
 27 the governing body of the school corporation.

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

33 SECTION 21. IC 20-33-5-9, AS ADDED BY P.L.1-2005,
 34 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2011]: Sec. 9. (a) If a parent of a child or an emancipated
 36 minor who is enrolled in an accredited nonpublic school meets the
 37 financial eligibility standard under section 2 of this chapter, the parent
 38 or the emancipated minor may receive a reimbursement from the
 39 department as provided in this chapter for the costs or some of the costs
 40 incurred by the parent or emancipated minor in fees that are
 41 reimbursable under section 7 of this chapter. The extent to which the
 42 fees are reimbursable under this section may not exceed the percentage

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1 rates of reimbursement under section 7 of this chapter. In addition, if
 2 a child enrolls in an accredited nonpublic school after the initial request
 3 for reimbursement is filed under subsection (d), the parent of the child
 4 or the emancipated minor who meets the financial eligibility standard
 5 may receive a reimbursement from the department for the costs or
 6 some of the costs incurred in fees that are reimbursable under section
 7 7 of this chapter by applying to the accredited nonpublic school for
 8 assistance. In this case, this section applies. However, section 10 of this
 9 chapter applies to the making of the supplemental request for
 10 reimbursement by the principal or other designee of the accredited
 11 nonpublic school.

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

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

- 17 (1) the appropriate application forms; and
- 18 (2) any assistance needed in completing the application form.

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

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

25 (f) To be guaranteed some level of reimbursement from the
 26 department, the principal or other designee shall submit the
 27 reimbursement request before November 1 of a school year.

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

- 30 (1) the number of students who are enrolled in the accredited
 31 nonpublic school and who are eligible for assistance under this
 32 chapter;
- 33 (2) the costs incurred in providing:
 - 34 (A) textbooks (including textbooks used in special education
 35 and high ability classes); ~~and~~
 - 36 (B) workbooks, **digital content**, and consumable textbooks
 37 (including workbooks, consumable textbooks, and other
 38 consumable teaching materials that are used in special
 39 education and high ability classes) that are used by students
 40 for not more than one (1) school year; **and**
 - 41 (C) **curricular materials (as defined in IC 20-20-5.5-1);**
- 42 (3) that each textbook described in subdivision (2)(A) and

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1 included in the reimbursement request (except those textbooks
 2 used in special education classes and high ability classes) has
 3 been adopted by the ~~state board under IC 20-20-5-1 through~~
 4 ~~IC 20-20-5-4 or has been waived by the state board of education~~
 5 ~~under IC 20-26-12-28;~~ **governing body;**
 6 (4) that the amount of reimbursement requested for each textbook
 7 under subdivision (3) does not exceed twenty percent (20%) of
 8 the costs incurred for the textbook; ~~as provided in the textbook~~
 9 ~~adoption list in each year of the adoption cycle;~~
 10 (5) that the amount of reimbursement requested for each
 11 workbook or consumable textbook (or other consumable teaching
 12 material used in special education and high ability classes) under
 13 subdivision (2)(B), if applicable, does not exceed one hundred
 14 percent (100%) of the costs incurred for the workbook or
 15 consumable textbook (or other consumable teaching material used
 16 in special education and high ability classes);
 17 (6) that the amount of reimbursement requested for each textbook
 18 used in special education and high ability classes is amortized for
 19 the number of years in which the textbook is used; and
 20 (7) any other information required by the department, including
 21 copies of purchase orders used to acquire consumable teaching
 22 materials used in special education and high ability classes.
 23 (h) If the amount of reimbursement requested before November 1
 24 of a particular school year exceeds the amount of money appropriated
 25 to the department for this purpose, the department shall proportionately
 26 reduce the amount of reimbursement to each accredited nonpublic
 27 school. An accredited nonpublic school may submit a supplemental
 28 reimbursement request under section 10 of this chapter. The parent or
 29 emancipated minor is entitled to receive a supplemental reimbursement
 30 only if funds are available. The department shall proportionately reduce
 31 the amount of supplemental reimbursement to the accredited nonpublic
 32 schools if the amount requested exceeds the amount of money available
 33 to the department for this purpose.
 34 (i) The accredited nonpublic school shall distribute the money
 35 received under this chapter to the appropriate eligible parents or
 36 emancipated minors.
 37 (j) Section 7(h) of this chapter applies to parents or emancipated
 38 minors as described in this section.
 39 (k) The accredited nonpublic school and the department shall
 40 maintain complete and accurate information concerning the number of
 41 applicants determined to be eligible for assistance under this section.
 42 (l) The state board shall adopt rules under IC 4-22-2 to implement

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1 this section.
2 SECTION 22. THE FOLLOWING ARE REPEALED [EFFECTIVE
3 JULY 1, 2011]: IC 20-19-2-1; IC 20-19-2-3; IC 20-19-2-4;
4 IC 20-19-2-9; IC 20-20-5; IC IC 20-26-12-27; IC 20-26-12-28.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1429, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 5, delete lines 8 through 9.

Page 5, line 10, delete "3." and insert "2."

Page 5, line 10, after "evaluate" delete "the".

Page 5, line 11, delete "obtained under section 2 of this chapter." and insert ".".

Page 6, line 1, delete "4." and insert "3."

Page 6, line 6, delete "3(b)" and insert "2(b)".

Page 6, line 9, delete "3(b)" and insert "2(b)".

Page 6, line 16, delete "3(b)" and insert "2(b)".

and when so amended that said bill do pass.

(Reference is to HB 1429 as introduced.)

BEHNING, Chair

Committee Vote: yeas 10, nays 2.

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