



Reprinted
February 11, 2011

HOUSE BILL No. 1429

DIGEST OF HB 1429 (Updated February 10, 2011 3:21 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.
February 10, 2011, read second time, amended, ordered engrossed.

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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:**

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

6 SECTION 3. IC 20-19-2-7, AS ADDED BY P.L.1-2005, SECTION
 7 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 8 2011]: Sec. 7. (a) Each member of the state board who is not an officer
 9 or employee of the state is entitled to an annual salary of two thousand
 10 dollars (\$2,000).

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

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

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

- 28 (1) The designation and employment of the employees and
 29 consultants necessary for the department. The state board shall fix
 30 the compensation of employees of the department, subject to the
 31 approval of the budget committee and the governor under
 32 IC 4-12-2.
- 33 (2) The establishment and maintenance of standards and
 34 guidelines for media centers, libraries, instructional materials
 35 centers, or any other area or system of areas in a school where a
 36 full range of information sources, associated equipment, and
 37 services from professional media staff are accessible to the school
 38 community. With regard to library automation systems, the state
 39 board may only adopt rules that meet the standards established by
 40 the state library board for library automation systems under
 41 IC 4-23-7.1-11(b).
- 42 (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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Sec. 1. As used in this chapter, "curricular materials" means:
(1) textbooks; and
(2) material used to supplement or replace textbooks, including:
(A) books and other printed material;
(B) computer software; and
(C) digital content.

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

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

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

(1) provide a list of each curricular material evaluated and a summary of the evaluation for each curricular material;
(2) be updated annually; and
(3) provide a listing and summary review for the curricular materials that are aligned to the academic standards adopted by the state board under IC 20-31-3-1 for the following subjects for each grade level:
(A) English/language arts, including spelling, literature, and handwriting.
(B) Reading.
(C) Mathematics.
(D) Science.
(E) Social studies.
(F) Miscellaneous.
(G) World languages.

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

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

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

Sec. 3. (a) The state superintendent shall notify the governing bodies of each school corporation, charter school, and accredited 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, in accordance with sections**
 32 **612(a)(23)(A) and 674(3)(4) of the Individuals with Disabilities**
 33 **Education Act 2004 (20 U.S.C. 1400 et seq.), to provide or grant a**
 34 **license to the school corporation to allow for the reproduction of**
 35 **adopted textbooks in:**

36 **(1) large type;**

37 **(2) Braille;**

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

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

41 SECTION 14. IC 20-26-12-25, AS ADDED BY P.L.1-2005,
 42 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 JULY 1, 2011]: Sec. 25. ~~(a)~~ After a local superintendent has selected
 2 textbooks under this chapter, and not later than July 1, when new
 3 contracts become effective, the superintendent shall forward to the
 4 state board a list of those selections for all subjects and grades.

5 ~~(b)~~ The state board shall:

6 ~~(1)~~ examine the lists forwarded under subsection ~~(a)~~; and

7 ~~(2)~~ if the state board finds a deviation from the state adopted list
 8 and a waiver has not been granted under section 28 of this
 9 chapter, notify the local superintendent of the deviation.

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

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

19 ~~(A)~~ **(1)** the teacher shall use; and

20 ~~(B)~~ **(2)** may be revised under the direction of the state board. and

21 ~~(2)~~ adopt textbooks or other materials for the course under
 22 ~~IC 20-20-5.~~

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

26 (1) provide school corporations with guides for teaching
 27 geography in the public schools;

28 ~~(2)~~ provide school corporations with a list of textbooks that have
 29 been adopted under ~~IC 20-20-5~~ and are available for geography
 30 instruction; and

31 ~~(3)~~ **(2)** make available in-service training opportunities to teachers
 32 who teach geography.

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

37 (1) for each grade level from kindergarten through grade 12; and

38 (2) in each subject area listed in section 2 of this chapter;

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

42 SECTION 18. IC 20-32-5-5, AS ADDED BY P.L.1-2005,

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1 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2011]: Sec. 5. The department shall make general language
3 arts essay scoring rubrics available to the public at least four (4)
4 months before the administration of a test. An essay question, a scoring
5 rubric, or an anchor paper used in the ISTEP program must ~~comply~~
6 ~~with the following:~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

42 (6) that the amount of reimbursement requested for each textbook

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1 used in special education and high ability classes is amortized for
 2 the number of years in which the textbook is used;
 3 (7) that the amount of reimbursement requested for
 4 developmentally appropriate material is amortized for the number
 5 of years in which the material is used and does not exceed a total
 6 of one hundred percent (100%) of the costs incurred for the
 7 developmentally appropriate material; and
 8 (8) any other information required by the department, including
 9 copies of purchase orders used to acquire consumable
 10 instructional materials used in special education and high ability
 11 classes and developmentally appropriate material.
 12 (e) Each school within a school corporation shall maintain complete
 13 and accurate information concerning the number of students
 14 determined to be eligible for assistance under this chapter. This
 15 information shall be provided to the department upon request.
 16 (f) If the amount of reimbursement requested before November 1 of
 17 a particular year exceeds the amount of money appropriated to the
 18 department for this purpose, the department shall proportionately
 19 reduce the amount of reimbursement to each school corporation.
 20 (g) A school corporation may submit a supplemental reimbursement
 21 request under section 8 of this chapter. The school corporation is
 22 entitled to receive a supplemental reimbursement only if there are
 23 funds available. The department shall proportionately reduce the
 24 amount of supplemental reimbursement to each school corporation if
 25 the total amount requested exceeds the amount of money available to
 26 the department for this purpose. In the case of a supplemental
 27 reimbursement, the provisions in this section apply, except that section
 28 8 of this chapter applies to the making of the supplemental request by
 29 the governing body of the school corporation.
 30 (h) Parents receiving other governmental assistance or aid that
 31 considers educational needs in computing the entire amount of
 32 assistance granted may not be denied assistance if the applicant's total
 33 family income does not exceed the standards established by this
 34 chapter.
 35 SECTION 21. IC 20-33-5-9, AS ADDED BY P.L.1-2005,
 36 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2011]: Sec. 9. (a) If a parent of a child or an emancipated
 38 minor who is enrolled in an accredited nonpublic school meets the
 39 financial eligibility standard under section 2 of this chapter, the parent
 40 or the emancipated minor may receive a reimbursement from the
 41 department as provided in this chapter for the costs or some of the costs
 42 incurred by the parent or emancipated minor in fees that are

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1 reimbursable under section 7 of this chapter. The extent to which the
 2 fees are reimbursable under this section may not exceed the percentage
 3 rates of reimbursement under section 7 of this chapter. In addition, if
 4 a child enrolls in an accredited nonpublic school after the initial request
 5 for reimbursement is filed under subsection (d), the parent of the child
 6 or the emancipated minor who meets the financial eligibility standard
 7 may receive a reimbursement from the department for the costs or
 8 some of the costs incurred in fees that are reimbursable under section
 9 7 of this chapter by applying to the accredited nonpublic school for
 10 assistance. In this case, this section applies. However, section 10 of this
 11 chapter applies to the making of the supplemental request for
 12 reimbursement by the principal or other designee of the accredited
 13 nonpublic school.

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

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

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

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

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

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

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

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

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1 **(C) curricular materials (as defined in IC 20-20-5.5-1);**
2 (3) that each textbook described in subdivision (2)(A) and
3 included in the reimbursement request (except those textbooks
4 used in special education classes and high ability classes) has
5 been adopted by the state board under IC 20-20-5-1 through
6 IC 20-20-5-4 or has been waived by the state board of education
7 under IC 20-26-12-28; **governing body;**
8 (4) that the amount of reimbursement requested for each textbook
9 under subdivision (3) does not exceed twenty percent (20%) of
10 the costs incurred for the textbook; ~~as provided in the textbook~~
11 ~~adoption list in each year of the adoption cycle;~~
12 (5) that the amount of reimbursement requested for each
13 workbook or consumable textbook (or other consumable teaching
14 material used in special education and high ability classes) under
15 subdivision (2)(B), if applicable, does not exceed one hundred
16 percent (100%) of the costs incurred for the workbook or
17 consumable textbook (or other consumable teaching material used
18 in special education and high ability classes);
19 (6) that the amount of reimbursement requested for each textbook
20 used in special education and high ability classes is amortized for
21 the number of years in which the textbook is used; and
22 (7) any other information required by the department, including
23 copies of purchase orders used to acquire consumable teaching
24 materials used in special education and high ability classes.
25 (h) If the amount of reimbursement requested before November 1
26 of a particular school year exceeds the amount of money appropriated
27 to the department for this purpose, the department shall proportionately
28 reduce the amount of reimbursement to each accredited nonpublic
29 school. An accredited nonpublic school may submit a supplemental
30 reimbursement request under section 10 of this chapter. The parent or
31 emancipated minor is entitled to receive a supplemental reimbursement
32 only if funds are available. The department shall proportionately reduce
33 the amount of supplemental reimbursement to the accredited nonpublic
34 schools if the amount requested exceeds the amount of money available
35 to the department for this purpose.
36 (i) The accredited nonpublic school shall distribute the money
37 received under this chapter to the appropriate eligible parents or
38 emancipated minors.
39 (j) Section 7(h) of this chapter applies to parents or emancipated
40 minors as described in this section.
41 (k) The accredited nonpublic school and the department shall
42 maintain complete and accurate information concerning the number of

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1 applicants determined to be eligible for assistance under this section.

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

4 SECTION 22. THE FOLLOWING ARE REPEALED [EFFECTIVE
5 JULY 1, 2011]: IC 20-19-2-1; IC 20-19-2-3; IC 20-19-2-4;
6 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.



HOUSE MOTION

Mr. Speaker: I move that House Bill 1429 be amended to read as follows:

Page 10, line 31, delete "agrees" and insert "**agrees, in accordance with sections 612(a)(23)(A) and 674(3)(4) of the Individuals with Disabilities Education Act 2004 (20 U.S.C. 1400 et seq.),**".

(Reference is to HB 1429 as printed February 4, 2011.)

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