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.

HOUSE ENROLLED ACT No. 1429

AN ACT to amend the Indiana Code concerning education.

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

SECTION 1. IC 4-13-1.6-3, AS AMENDED BY P.L.1-2005, SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. (a) As used in this chapter, "major equipment item" refers to any item that a school corporation considers:

(1) a significant equipment purchase; and

(2) reasonably likely to be purchased by several school corporations.

(b) The term does not include the following:

(1) A textbook ~~that has been adopted under IC 20-20-5.~~ **(as defined in IC 20-18-2-23).**

(2) A special purpose bus (as defined in IC 20-27-2-10).

(3) A school bus (as defined in IC 20-27-2-8).

SECTION 2. IC 20-18-2-23, AS ADDED BY P.L.1-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 23. "Textbook" means systematically organized material designed to provide a specific level of instruction in a subject matter category, **including:**

(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.

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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 personnel and guidance services.

(4) The establishment and maintenance of minimum standards for driver education programs (including classroom instruction and practice driving) and equipment. Classroom instruction standards established under this subdivision must include instruction about:

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(A) railroad-highway grade crossing safety; and

(B) the procedure for participation in the human organ donor program;

and must provide, effective July 1, 2010, that the classroom instruction may not be provided to a child less than fifteen (15) years and one hundred eighty (180) days of age.

(5) The inspection of all public schools in Indiana to determine the condition of the schools. The state board shall establish standards governing the accreditation of public schools. Observance of:

(A) IC 20-31-4;

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

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

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

(E) IC 20-28-11; and

(F) IC 20-31-3, IC 20-32-4, IC 20-32-5, IC 20-32-6, and IC 20-32-8;

is a prerequisite to the accreditation of a school. Local public school officials shall make the reports required of them and otherwise cooperate with the state board regarding required inspections. Nonpublic schools may also request the inspection for classification purposes. Compliance with the building and site guidelines adopted by the state board is not a prerequisite of accreditation.

~~(6) Subject to section 9 of this chapter, the adoption and approval of textbooks under IC 20-20-5.~~

~~(7)~~ **(6)** The distribution of funds and revenues appropriated for the support of schools in the state.

~~(8)~~ **(7)** The state board may not establish an accreditation system for nonpublic schools that is less stringent than the accreditation system for public schools.

~~(9)~~ **(8)** A separate system for recognizing nonpublic schools under IC 20-19-2-10. Recognition of nonpublic schools under this subdivision constitutes the system of regulatory standards that apply to nonpublic schools that seek to qualify for the system of recognition.

~~(10)~~ **(9)** The establishment and enforcement of standards and guidelines concerning the safety of students participating in cheerleading activities.

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

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

(b) A plan must:

(1) conform to the requirements of IC 20-31-5; and

(2) include a professional development program that conforms to IC 20-20-31.

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

(1) Invoke a waiver of a rule adopted by the state board under IC 20-31-5-5(b).

(2) Develop a plan for the admission of students who do not reside in the school's attendance area but have legal settlement in the school corporation.

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

(1) Approved a school's plan.

(2) Demonstrated the support of the exclusive representative only for the professional development program component of the plan.

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

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

(1) Allow the transfer of a student who resides in the school's attendance area but whose parent requests that the student attend another school in the school corporation of legal settlement.

(2) Inform parents of their rights under this section.

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

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

Chapter 5.5. Curricular Materials

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;

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(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:

(1) the initial publication and annual update on the department's Internet web site of the report described in section 2(b) of this chapter, including the Internet web site address where the report is published; and

(2) updates of the following types of information in the report

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described in section 2(b) of this chapter:

(A) The addition of materials.

(B) The removal of materials.

(C) Changes in the per unit price of curricular materials that exceed five percent (5%).

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

(1) the curricular materials included in the report described in section 2(b) of this chapter are departmental reviews only; and

(2) each governing body has authority to adopt textbooks for a school corporation.

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

(1) The board may:

(A) eliminate or modify existing policies;

(B) create new policies; and

(C) alter policies;

subject to this article and the plan developed under IC 20-25-10.

(2) IC 20-29 applies to the school city, except for the provision of IC 20-29-6-7(a) that requires any items included in the 1972-1973 agreements between an employer school corporation and an employee organization to continue to be bargainable.

(3) The board may waive the following statutes and rules for any school in the school city without administrative, regulatory, or legislative approval:

(A) The following rules concerning curriculum and instructional time:

~~511 IAC 6.1-3-4~~

511 IAC 6.1-5-0.5

511 IAC 6.1-5-1

511 IAC 6.1-5-2.5

511 IAC 6.1-5-3.5

511 IAC 6.1-5-4.

(B) 511 IAC 6.1-4-1 concerning student/teacher ratios.

~~(C) The following statutes and rules concerning textbooks and rules adopted under the statutes:~~

~~IC 20-20-5-1 through IC 20-20-5-4~~

~~IC 20-20-5-23~~

~~IC 20-26-12-1~~

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~~IC 20-26-12-2~~
~~IC 20-26-12-24~~
~~IC 20-26-12-26~~
~~IC 20-26-12-28~~
~~511 IAC 6.1-5-5.~~

~~(D)~~ **(C)** 511 IAC 6.1-4-2 concerning school principals.

(4) Notwithstanding any other law, a school city may do the following:

(A) Lease school transportation equipment to others for nonschool use when the equipment is not in use for a school city purpose.

(B) Establish a professional development and technology fund to be used for:

(i) professional development; or

(ii) technology, including video distance learning.

(C) Transfer funds obtained from sources other than state or local government taxation to any account of the school corporation, including a professional development and technology fund established under clause (B).

(5) Transfer funds obtained from property taxation to the general fund and the school transportation fund, subject to the following:

(A) The sum of the property tax rates for the general fund and the school transportation fund after a transfer occurs under this subdivision may not exceed the sum of the property tax rates for the general fund and the school transportation fund before a transfer occurs under this subdivision.

(B) This subdivision does not allow a school corporation to transfer to any other fund money from the debt service fund.

SECTION 8. IC 20-26-12-1, AS ADDED BY P.L.1-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. (a) Except as provided in subsections (b) and (c) and notwithstanding any other law, each governing body shall purchase from a ~~contracting~~ publisher, ~~at a price equal to or less than the net contract price,~~ **either individually or through a purchasing cooperative of school corporations,** the textbooks ~~adopted by the state board and~~ selected by the proper local officials, and shall rent these textbooks to each student enrolled in a public school that is:

(1) in compliance with the minimum certification standards of the **state** board; and

(2) located within the attendance unit served by the governing body.

(b) This section does not prohibit the purchase of textbooks at the

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option of a student or the providing of free textbooks by the governing body under sections 6 through 21 of this chapter.

(c) This section does not prohibit a governing body from suspending the operation of this section under a contract entered into under IC 20-26-15.

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

(1) in compliance with the minimum certification standards of the state board; and

(2) located within the attendance unit served by the governing body.

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

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

~~(1) adopted for usage by students under IC 20-20-5;~~

~~(2)~~ **(1)** extended for usage by students under ~~IC 20-20-5-2;~~ **section 24(e) of this chapter;** and

~~(3)~~ **(2)** paid for through rental fees previously collected.

(c) This section does not limit other laws.

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

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

SECTION 11. IC 20-26-12-15, AS ADDED BY P.L.231-2005, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 15. (a) A governing body shall ~~requisition~~ **purchase** the necessary textbooks from ~~the contracting~~ publishers. ~~approved by the state board.~~ The ~~contracting~~ publisher shall ship the textbooks to the governing body not more than ninety (90) days after

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the requisition. On receipt of the textbooks, the governing body's school corporation has custody of the textbooks. The governing body shall provide a receipt to the contracting publisher and reimburse the contracting publisher the amount owed by the school corporation from the school corporation's general fund.

(b) A governing body shall purchase textbooks:

(1) from a resident student who presents the textbooks for sale on or before the beginning of the school term in which the books are to be used;

(2) with money from the school corporation's general fund; and

(3) at a price based on the original price to the school corporation minus a reasonable reduction for damage from usage.

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

(1) borrow money to buy textbooks; and

(2) issue notes, maturing serially in not more than six (6) years and payable from its general fund, to secure the loan.

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

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

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

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

(c) A special committee of teachers and parents may also be

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appointed to review books, magazines, and audiovisual material used or proposed for use in the classroom to supplement state adopted textbooks and may make recommendations to the superintendent and the governing body concerning the use of this material.

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

(1) six (6) years; or

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

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

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

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

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

(i) A governing body may not purchase textbooks from a publisher unless the publisher 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.), to provide or grant a license to the school corporation to allow for the reproduction of adopted textbooks in:

(1) large type;

(2) Braille;

(3) audio format; and

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

SECTION 14. IC 20-26-12-25, AS ADDED BY P.L.1-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 25. ~~(a)~~ After a local superintendent has selected textbooks under this chapter, and not later than July 1, when new contracts become effective, the superintendent shall forward to the state board a list of those selections for all subjects and grades.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 18. IC 20-32-5-5, AS ADDED BY P.L.1-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 5. The department shall make general language arts essay scoring rubrics available to the public at least four (4) months before the administration of a test. An essay question, a scoring rubric, or an anchor paper used in the ISTEP program must ~~comply~~

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~~with the following:~~

~~(1) For an essay question, have a prompt that is taken from:~~

~~(A) a textbook on the state textbook adoption list included in IC 20-20-5; or~~

~~(B) a source other than a source listed in clause (A) that is approved by the ISTEP program citizens' review committee established under IC 20-32-6.~~

~~(2)~~ not seek or compile information about a student's:

~~(A)~~ **(1)** personal attitudes;

~~(B)~~ **(2)** political views;

~~(C)~~ **(3)** religious beliefs;

~~(D)~~ **(4)** family relationships; or

~~(E)~~ **(5)** other matters listed in IC 20-30-5-17(b).

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

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

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

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

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

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

(c) To be guaranteed some level of reimbursement from the

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department, the governing body of a school corporation shall request the reimbursement before November 1 of a school year.

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

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

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

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

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

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

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

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

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

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

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

(7) that the amount of reimbursement requested for developmentally appropriate material is amortized for the number of years in which the material is used and does not exceed a total

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of one hundred percent (100%) of the costs incurred for the developmentally appropriate material; and

(8) any other information required by the department, including copies of purchase orders used to acquire consumable instructional materials used in special education and high ability classes and developmentally appropriate material.

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

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

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

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

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

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or the emancipated minor who meets the financial eligibility standard may receive a reimbursement from the department for the costs or some of the costs incurred in fees that are reimbursable under section 7 of this chapter by applying to the accredited nonpublic school for assistance. In this case, this section applies. However, section 10 of this chapter applies to the making of the supplemental request for reimbursement by the principal or other designee of the accredited nonpublic school.

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

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

(1) the appropriate application forms; and

(2) any assistance needed in completing the application form.

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

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

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

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

(1) the number of students who are enrolled in the accredited nonpublic school and who are eligible for assistance under this chapter;

(2) the costs incurred in providing:

(A) textbooks (including textbooks used in special education and high ability classes); ~~and~~

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

(C) curricular materials (as defined in IC 20-20-5.5-1);

(3) that each textbook described in subdivision (2)(A) and included in the reimbursement request (except those textbooks used in special education classes and high ability classes) has been adopted by the ~~state board under IC 20-20-5-1 through~~

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~~IC 20-20-5-4 or has been waived by the state board of education under IC 20-26-12-28;~~ **governing body;**

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

(5) that the amount of reimbursement requested for each workbook or consumable textbook (or other consumable teaching material used in special education and high ability classes) under subdivision (2)(B), if applicable, does not exceed one hundred percent (100%) of the costs incurred for the workbook or consumable textbook (or other consumable teaching material used in special education and high ability classes);

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

(7) any other information required by the department, including copies of purchase orders used to acquire consumable teaching materials used in special education and high ability classes.

(h) If the amount of reimbursement requested before November 1 of a particular school year exceeds the amount of money appropriated to the department for this purpose, the department shall proportionately reduce the amount of reimbursement to each accredited nonpublic school. An accredited nonpublic school may submit a supplemental reimbursement request under section 10 of this chapter. The parent or emancipated minor is entitled to receive a supplemental reimbursement only if funds are available. The department shall proportionately reduce the amount of supplemental reimbursement to the accredited nonpublic schools if the amount requested exceeds the amount of money available to the department for this purpose.

(i) The accredited nonpublic school shall distribute the money received under this chapter to the appropriate eligible parents or emancipated minors.

(j) Section 7(h) of this chapter applies to parents or emancipated minors as described in this section.

(k) The accredited nonpublic school and the department shall maintain complete and accurate information concerning the number of applicants determined to be eligible for assistance under this section.

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

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

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IC 20-19-2-9; IC 20-20-5; IC IC 20-26-12-27; IC 20-26-12-28.

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Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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