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# HOUSE BILL No. 1429

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 4-13-1.6-3; IC 20-18-2-23; IC 20-19-2; IC 20-20-5.5; IC 20-25-16-1; IC 20-26-12; IC 20-30; IC 20-31-3-3; IC 20-32-5-5; IC 20-33-5.

**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.

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January 18, 2011, read first time and referred to Committee on Education.

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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) 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. The department shall obtain curricular materials for**  
9           **each grade level from publishers of curricular materials.**

10          **Sec. 3. (a) The department shall evaluate the curricular**  
11          **materials obtained under section 2 of this chapter. The evaluation**  
12          **must include an evaluation of:**  
13                (1) the curricular materials' alignment to the academic  
14                standards adopted by the state board under IC 20-31-3-1; and  
15                (2) the appropriateness of the reading level of the curricular  
16                materials.

17          **(b) The department shall publish a report that describes the**  
18          **method used to conduct the evaluation required under subsection**  
19          **(a) and that contains the results of the evaluation. The report must:**  
20                (1) provide a list of each curricular material evaluated and a  
21                summary of the evaluation for each curricular material;  
22                (2) be updated annually; and  
23                (3) provide a listing and summary review for the curricular  
24                materials that are aligned to the academic standards adopted  
25                by the state board under IC 20-31-3-1 for the following  
26                subjects for each grade level:  
27                    (A) English/language arts, including spelling, literature,  
28                    and handwriting.  
29                    (B) Reading.  
30                    (C) Mathematics.  
31                    (D) Science.  
32                    (E) Social studies.  
33                    (F) Miscellaneous.  
34                    (G) World languages.

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

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

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

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1           **Sec. 4. (a) The state superintendent shall notify the governing**  
2 **bodies of each school corporation, charter school, and accredited**  
3 **nonpublic school immediately of:**

4           **(1) the initial publication and annual update on the**  
5 **department's Internet web site of the report described in**  
6 **section 3(b) of this chapter, including the Internet web site**  
7 **address where the report is published; and**

8           **(2) updates of the following types of information in the report**  
9 **described in section 3(b) of this chapter:**

10           **(A) The addition of materials.**

11           **(B) The removal of materials.**

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

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

15           **(1) the curricular materials included in the report described**  
16 **in section 3(b) of this chapter are departmental reviews only;**  
17 **and**

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

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

25           (1) The board may:

26           (A) eliminate or modify existing policies;

27           (B) create new policies; and

28           (C) alter policies;

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

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

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

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

39           ~~511 IAC 6.1-3-4~~

40           511 IAC 6.1-5-0.5

41           511 IAC 6.1-5-1

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1                   511 IAC 6.1-5-2.5  
 2                   511 IAC 6.1-5-3.5  
 3                   511 IAC 6.1-5-4.  
 4                   (B) 511 IAC 6.1-4-1 concerning student/teacher ratios.  
 5                   ~~(C)~~ The following statutes and rules concerning textbooks and  
 6                   rules adopted under the statutes:  
 7                   ~~IC 20-20-5-1 through IC 20-20-5-4~~  
 8                   ~~IC 20-20-5-23~~  
 9                   ~~IC 20-26-12-1~~  
 10                   ~~IC 20-26-12-2~~  
 11                   ~~IC 20-26-12-24~~  
 12                   ~~IC 20-26-12-26~~  
 13                   ~~IC 20-26-12-28~~  
 14                   ~~511 IAC 6.1-5-5.~~  
 15                   ~~(D)~~ (C) 511 IAC 6.1-4-2 concerning school principals.  
 16                   (4) Notwithstanding any other law, a school city may do the  
 17                   following:  
 18                   (A) Lease school transportation equipment to others for  
 19                   nonschool use when the equipment is not in use for a school  
 20                   city purpose.  
 21                   (B) Establish a professional development and technology fund  
 22                   to be used for:  
 23                   (i) professional development; or  
 24                   (ii) technology, including video distance learning.  
 25                   (C) Transfer funds obtained from sources other than state or  
 26                   local government taxation to any account of the school  
 27                   corporation, including a professional development and  
 28                   technology fund established under clause (B).  
 29                   (5) Transfer funds obtained from property taxation to the general  
 30                   fund and the school transportation fund, subject to the following:  
 31                   (A) The sum of the property tax rates for the general fund and  
 32                   the school transportation fund after a transfer occurs under this  
 33                   subdivision may not exceed the sum of the property tax rates  
 34                   for the general fund and the school transportation fund before  
 35                   a transfer occurs under this subdivision.  
 36                   (B) This subdivision does not allow a school corporation to  
 37                   transfer to any other fund money from the debt service fund.  
 38                   SECTION 8. IC 20-26-12-1, AS ADDED BY P.L.1-2005,  
 39                   SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 40                   JULY 1, 2011]: Sec. 1. (a) Except as provided in subsections (b) and  
 41                   (c) and notwithstanding any other law, each governing body shall  
 42                   purchase from a ~~contracting~~ publisher, at a price equal to or less than

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1 the net contract price, **either individually or through a purchasing**  
2 **cooperative of school corporations**, the textbooks adopted by the state  
3 board and selected by the proper local officials, and shall rent these  
4 textbooks to each student enrolled in a public school that is:

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

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

9 (b) This section does not prohibit the purchase of textbooks at the  
10 option of a student or the providing of free textbooks by the governing  
11 body under sections 6 through 21 of this chapter.

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

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

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

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

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

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

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

32 ~~(2) (1) extended for usage by students under IC 20-20-5-2;~~  
33 **section 24(e) of this chapter;** and

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

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

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

42 (b) As used in sections 6 through 21 of this chapter, "resident

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1 student" means a student enrolled in any of the grades in any school  
2 located in a school corporation, whether the student resides there or is  
3 transferred there for school purposes.

4 SECTION 11. IC 20-26-12-15, AS ADDED BY P.L.231-2005,  
5 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
6 JULY 1, 2011]: Sec. 15. (a) A governing body shall ~~requisition~~  
7 **purchase** the necessary textbooks from ~~the contracting~~ publishers.  
8 ~~approved by the state board.~~ The ~~contracting~~ publisher shall ship the  
9 textbooks to the governing body not more than ninety (90) days after  
10 the requisition. On receipt of the textbooks, the governing body's  
11 school corporation has custody of the textbooks. The governing body  
12 shall provide a receipt to the contracting publisher and reimburse the  
13 contracting publisher the amount owed by the school corporation from  
14 the school corporation's general fund.

- 15 (b) A governing body shall purchase textbooks:  
16 (1) from a resident student who presents the textbooks for sale on  
17 or before the beginning of the school term in which the books are  
18 to be used;  
19 (2) with money from the school corporation's general fund; and  
20 (3) at a price based on the original price to the school corporation  
21 minus a reasonable reduction for damage from usage.

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

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

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

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

36 SECTION 13. IC 20-26-12-24, AS ADDED BY P.L.1-2005,  
37 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
38 JULY 1, 2011]: Sec. 24. (a) The superintendent shall establish  
39 procedures for textbook adoption. The procedures must include the  
40 involvement of teachers and parents on an advisory committee for the  
41 preparation of recommendations for textbook adoptions. The majority  
42 of the members of the advisory committee must be teachers, and at

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1 least forty percent (40%) of the committee must be parents. These  
 2 recommendations shall be submitted to the superintendent in  
 3 accordance with the established procedures in the local school  
 4 corporation.

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

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

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

15 (1) six (6) years; or

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

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

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

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

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

35 (i) **A governing body may not purchase textbooks from a**  
 36 **publisher unless the publisher agrees to provide or grant a license**  
 37 **to the school corporation to allow for the reproduction of adopted**  
 38 **textbooks in:**

39 (1) **large type;**

40 (2) **Braille;**

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

42 (4) **formats necessary to ensure usability for all students in the**

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**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:

- ~~(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

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1 basis. that coincides with the textbook adoption cycle established in  
2 IC 20-20-5-6.

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

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

22 The ISTEP program citizens' review committee shall determine  
23 whether an essay question or a scoring rubric complies with this  
24 subdivision: section.

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

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

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

41 SECTION 19. IC 20-33-5-7, AS ADDED BY P.L.1-2005,  
42 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 JULY 1, 2011]: Sec. 7. (a) If a determination is made that the applicant  
2 is eligible for assistance, the school corporation shall pay the cost of the  
3 student's required fees.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 35 (1) the number of students who are enrolled in the accredited  
 36 nonpublic school and who are eligible for assistance under this  
 37 chapter;
- 38 (2) the costs incurred in providing:
  - 39 (A) textbooks (including textbooks used in special education  
 40 and high ability classes); ~~and~~
  - 41 (B) workbooks, **digital content**, and consumable textbooks  
 42 (including workbooks, consumable textbooks, and other

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

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1 minors as described in this section.

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

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

7 SECTION 21. THE FOLLOWING ARE REPEALED [EFFECTIVE  
8 JULY 1, 2011]: IC 20-19-2-1; IC 20-19-2-3; IC 20-19-2-4;  
9 IC 20-19-2-9; IC 20-20-5; IC IC 20-26-12-27; IC 20-26-12-28.

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