

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Education and Career Development, to which was referred House Bill No. 1326, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 2, line 28, after "superintendent" insert "**of public**
2 **instruction**".
- 3 Page 3, delete lines 23 through 31.
- 4 Page 4, between lines 15 and 16, begin a new paragraph and insert:
5 "SECTION 8. IC 12-32-1-3, AS ADDED BY P.L.171-2011,
6 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2012]: Sec. 3. (a) As used in this chapter, "state or local public
8 benefit" has the meaning set forth in 8 U.S.C. 1621.
- 9 (b) The term includes:
- 10 (1) a postsecondary education award, including a scholarship, a
11 grant, or financial aid, **except for a scholarship, a grant, or**
12 **financial aid that is awarded to an international student with**
13 **bona fide legal status who is enrolled in a state educational**
14 **institution;** and
- 15 (2) **except for an individual who was enrolled in a state**
16 **educational institution on or before July 1, 2011,** the resident
17 tuition rate (as determined by the state educational institution).".
- 18 Page 14, delete lines 12 through 14, begin a new paragraph and
19 insert:
20 "SECTION 36. IC 20-20-17-6, AS ADDED BY P.L.1-2005,

1 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2012]: Sec. 6. The department may award grants to school
3 corporations:

4 (1) upon review of the applications received under section 5 of
5 this chapter;

6 ~~(2) upon receipt of the recommendations from the advisory~~
7 ~~committee under section 10 of this chapter;~~

8 ~~(3) (2)~~ subject to available money; and

9 ~~(4) (3)~~ in accordance with the following priorities:

10 (A) To the extent possible, to achieve geographic balance
11 throughout Indiana and to include urban, suburban, and rural
12 school corporations.

13 (B) To address a documented need for new or expanded school
14 intervention or career counseling programs, including
15 considering the percentage of students within the school
16 corporation who are designated as at risk students.

17 (C) To promote innovative methods for initiating or expanding
18 school intervention or career counseling programs.

19 (D) To reward school corporations that propose school
20 intervention or career counseling programs that demonstrate
21 the greatest potential for replication and implementation in
22 Indiana.

23 (E) To lower school counselor/student ratios where the ratios
24 are excessively high.

25 SECTION 37. IC 20-20-17-10 IS REPEALED [EFFECTIVE JULY
26 1, 2012]. Sec. 10: (a) ~~An advisory committee composed of five (5)~~
27 ~~members is established:~~

28 ~~(b) The state superintendent shall appoint the members of the~~
29 ~~advisory committee:~~

30 ~~(c) The state superintendent shall:~~

31 ~~(1) convene the advisory committee; and~~

32 ~~(2) act as chair of the advisory committee:~~

33 ~~The state superintendent may not be a member of the advisory~~
34 ~~committee:~~

35 ~~(d) An employee of:~~

36 ~~(1) the governor; or~~

37 ~~(2) the department of education;~~

38 ~~is eligible for appointment to the advisory committee:~~

- 1 (e) A member of the advisory committee serves at the pleasure of
- 2 the appointing authority.
- 3 (f) A member of the advisory committee is not entitled to the
- 4 following:
- 5 (1) The minimum salary per diem provided in IC 4-10-11-2.1(b).
- 6 (2) Reimbursement for traveling expenses and other expenses
- 7 actually incurred in connection with the member's duties.
- 8 (g) The advisory committee shall do the following:
- 9 (1) Assist the department in developing the guidelines described
- 10 in section 9 of this chapter.
- 11 (2) Establish standards for qualifying for a grant under this
- 12 chapter.
- 13 (3) Review grant applications and make recommendations to the
- 14 state superintendent concerning the awarding of grants.
- 15 (4) Evaluate the impact and results of the various school
- 16 intervention and career counseling programs receiving grants
- 17 under this chapter."
- 18 Page 17, line 42, after "IC 20-32-8," insert "**and**
- 19 **IC 20-32-8.5-2(b).**"
- 20 Page 18, strike lines 1 through 3.
- 21 Page 18, between lines 30 and 31, begin a new paragraph and insert:
- 22 "SECTION 60. IC 20-26-7-1, AS AMENDED BY P.L.91-2011,
- 23 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 24 JULY 1, 2012]:Sec. 1. (a) If a governing body of a school corporation
- 25 determines that any real or personal property:
- 26 (1) is no longer needed for school purposes; or
- 27 (2) should, in the interests of the school corporation, be
- 28 exchanged for other property;
- 29 the governing body may sell or exchange the property in accordance
- 30 with IC 36-1-11.
- 31 (b) Money derived from the sale or exchange of property under this
- 32 section shall be placed in any school fund:
- 33 (1) established under applicable law; and
- 34 (2) that the governing body considers appropriate.
- 35 (c) A governing body may not make a covenant that prohibits the
- 36 sale of real property to another educational institution.
- 37 (d) This subsection does not apply to a school building that on July
- 38 1, 2011, is leased or loaned by the school corporation that owns the

1 school building to another entity. A governing body shall make
2 available for lease or purchase to any charter school (as defined in
3 IC 20-24-1-4) any school building owned by the school corporation
4 that:

5 (1) either:

6 (A) is not used in whole or in part for classroom instruction at
7 the time the charter school seeks to lease the building; or

8 (B) appears on the list compiled by the department under
9 subsection (e); and

10 (2) was previously used for classroom instruction;

11 in order for the charter school to conduct classroom instruction.

12 (e) Each governing body shall inform the department whenever a
13 school building that was previously used for classroom instruction is
14 closed, unused, or unoccupied. The department shall maintain a list of
15 closed, unused, or unoccupied school buildings and make the list
16 available on the department's Internet web site. Each school
17 corporation shall provide a list of closed, unused, or unoccupied
18 buildings to the department by the date set by the department. The
19 department must update the list each year before August 31.

20 (f) A school building that appears for the first time on the
21 department's list under subsection (e) shall be designated as
22 "Unavailable until (a date two (2) years after the school building first
23 appears on the list)" if the governing body of the school corporation
24 that owns the school building indicates the school building may be
25 reclaimed during that period for classroom instruction, which must
26 begin not later than one (1) year after the school building is reclaimed.
27 If the school building remains unused for classroom instruction one (1)
28 year after being reclaimed, the governing body shall place the school
29 building on the department's list. A governing body may reclaim a
30 school building only one (1) time under this subsection.

31 (g) If a charter school wishes to use a school building on the list
32 created under subsection (e), the charter school shall send a letter of
33 intent to the department. The department shall notify the school
34 corporation of the charter school's intent, and the school corporation
35 that owns the school building shall lease the school building to the
36 charter school for one dollar (\$1) per year for as long as the charter
37 school uses the school building for classroom instruction or for a term
38 at the charter school's discretion, or sell the school building to the

1 charter school for one dollar (\$1). The charter school must begin to use
2 the school building for classroom instruction not later than two (2)
3 years after acquiring the school building. If the school building is not
4 used for classroom instruction within two (2) years after acquiring the
5 school building, the school building shall be placed on the department's
6 list under subsection (e). If during the term of the lease the charter
7 school closes or ceases using the school building for classroom
8 instruction, the school building shall be placed on the department's list
9 under subsection (e).

10 (h) During the term of a lease under subsection (g), the charter
11 school is responsible for the direct expenses related to the school
12 building leased, including utilities, insurance, maintenance, repairs,
13 and remodeling. The school corporation is responsible for any debt
14 incurred for or liens that attached to the school building before the
15 charter school leased the school building.

16 (i) If a school building appears on the department's list under
17 subsection (e) for at least forty-eight (48) months, the school
18 corporation may sell or otherwise dispose of the school building in any
19 manner the governing body considers appropriate.

20 **(j) This subsection and subsection (k) apply if a governing body**
21 **believes that there is little likelihood that a charter school is**
22 **interested in leasing or purchasing a school building that was**
23 **previously used for classroom instruction. The governing body**
24 **shall:**

25 **(1) inform the department; and**

26 **(2) send notice by certified mail to each charter school**
27 **sponsor and a statewide organization representing charter**
28 **schools;**

29 **that the governing body wishes to dispose of a school building to**
30 **which this subsection applies without placing the school building**
31 **on the list maintained by the department under subsection (e).**

32 **(k) Not later than thirty (30) days after sending notice under**
33 **subsection (j), if a charter school sponsor or a statewide**
34 **organization representing charter schools does not respond to the**
35 **notice objecting to the school building's disposal, the state**
36 **superintendent may grant the governing body a waiver from being**
37 **placed on the department's list and the governing body may**
38 **dispose of the school building in any lawful manner. If a charter**

1 **school sponsor or a statewide organization representing charter**
 2 **schools objects to the school building's disposal, the governing**
 3 **body shall place the school building on the department's list under**
 4 **subsection (e)."**

5 Page 22, between lines 25 and 26, begin a new paragraph and insert:

6 "SECTION 67. IC 20-30-5-7, AS AMENDED BY P.L.86-2007,
 7 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2012]: Sec. 7. Each school corporation shall include in the
 9 school corporation's curriculum the following studies:

10 (1) Language arts, including:

11 (A) English;

12 (B) grammar;

13 (C) composition;

14 (D) speech; **and**

15 (E) second languages; **and**

16 **(F) cursive writing.**

17 (2) Mathematics.

18 (3) Social studies and citizenship, including the:

19 (A) constitutions;

20 (B) governmental systems; and

21 (C) histories;

22 of Indiana and the United States, including a study of the
 23 Holocaust in each high school United States history course.

24 (4) Sciences.

25 (5) Fine arts, including music and art.

26 (6) Health education, physical fitness, safety, and the effects of
 27 alcohol, tobacco, drugs, and other substances on the human body.

28 (7) Additional studies selected by each governing body, subject
 29 to revision by the state board."

30 Page 25, delete lines 8 through 21.

31 Page 25, between lines 23 and 24, begin a new paragraph and insert:

32 "SECTION 79. IC 20-32-8.5-2, AS ADDED BY P.L.109-2010,
 33 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2012]: Sec. 2. **(a) Except as provided in subsection (b), the**
 35 **plan required by this chapter must include the following:**

36 (1) Reading skill standards for grade 1 through grade 3.

37 (2) An emphasis on a method for making determinant evaluations
 38 by grade 3 that might require remedial action for the student,

1 including retention as a last resort, after other methods of
 2 remediation have been evaluated or used, or both, if reading skills
 3 are below the standard. Appropriate consultation with parents or
 4 guardians must be part of the plan.

5 (3) The fiscal impact of each component of the plan, if any. In
 6 determining whether a component has a fiscal impact,
 7 consideration shall be given to whether the component will
 8 increase costs to the state or a school corporation or require the
 9 state or school corporation to reallocate resources.

10 **(b) For a charter school, a plan required by this chapter may**
 11 **include only the following:**

12 **(1) A method for making determinant evaluations of reading**
 13 **skills by grade 3.**

14 **(2) Retention as a last resort for students reading below grade**
 15 **level as measured by the evaluation or assessment."**

16 Page 25, after line 34, begin a new paragraph and insert:

17 "SECTION 81. IC 21-14-11-1, AS ADDED BY P.L.209-2011,
 18 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2012]: Sec. 1. **(a) This section does not apply to an**
 20 **individual who was enrolled in a state educational institution on or**
 21 **before July 1, 2011.**

22 **(b) An individual who is not lawfully present in the United States**
 23 **is not eligible to pay the resident tuition rate that is determined by the**
 24 **state educational institution.**

25 SECTION 82. [EFFECTIVE JULY 1, 2012] **(a) As used in this**
 26 **SECTION, "balanced calendar" refers to a calendar for a school**
 27 **year in which:**

28 **(1) any break between instructional days does not exceed six**

29 **(6) weeks; or**

30 **(2) the instructional days are divided into quarters.**

31 **(b) As used in this SECTION, "legislative council" refers to the**
 32 **legislative council established by IC 2-5-1.1-1.**

33 **(c) As used in this SECTION, "study committee" means either**
 34 **of the following:**

35 **(1) A statutory committee established under IC 2-5.**

36 **(2) An interim study committee.**

37 **(d) The legislative council is urged to assign the following topics**
 38 **to a study committee during the 2012 legislative interim:**

1 **(1) The use of balanced calendars by school corporations.**

2 **(2) Procedures for the implementation or discontinuance of**
 3 **the use of balanced calendars, including the use of referenda.**

4 **(e) If the topics described in subsection (d) are assigned to a**
 5 **study committee, the study committee shall determine whether**
 6 **legislation should be enacted to address the topics, and if so, the**
 7 **study committee shall recommend proposed legislation.**

8 **(f) This SECTION expires December 31, 2012.**

9 **SECTION 83. [EFFECTIVE UPON PASSAGE] (a) As used in this**
 10 **SECTION, "committee" refers to an interim study committee to**
 11 **which the legislative council assigns the topics of study described**
 12 **in subsection (c).**

13 **(b) As used in this SECTION, "state educational institution" has**
 14 **the meaning set forth in IC 21-7-13-32.**

15 **(c) The general assembly urges the legislative council to assign**
 16 **the following topics pertaining to state educational institution**
 17 **grading practices to an appropriate committee:**

18 **(1) Grading practices for courses that are required to fill**
 19 **general education requirements at a state educational**
 20 **institution.**

21 **(2) Whether the grade distribution for a required course at a**
 22 **state educational institution may differ depending upon**
 23 **whether the course is taught by a:**

24 **(A) tenured faculty member;**

25 **(B) faculty member who is on a tenure track; or**

26 **(C) contract instructor.**

27 **(3) Whether grading practices for required courses taught at**
 28 **a state educational institution have changed during the five (5)**
 29 **most recent academic years.**

30 **(4) Any other issue pertaining to grading practices at a state**
 31 **educational institution that the legislative council determines**
 32 **is appropriate.**

33 **(d) If the topics described in subsection (c) are assigned to a**
 34 **committee under subsection (c), the committee shall, not later than**
 35 **November 1, 2012, issue a final report to the legislative council**
 36 **concerning the findings and recommendations of the committee**
 37 **concerning the topics described in subsection (c).**

38 **(e) This SECTION expires December 31, 2012.**

- 1 SECTION 84. **An emergency is declared for this act.**
- 2 Renumber all SECTIONS consecutively.
(Reference is to HB 1326 as reprinted January 31, 2012.)

and when so amended that said bill do pass.

Committee Vote: Yeas 5, Nays 4.

Kruse

Chairperson