

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 338 be amended to read as follows:

- 1 Page 2, between lines 39 and 40, begin a new paragraph and insert:
- 2 "SECTION 2. IC 12-7-2-35, AS AMENDED BY P.L.229-2011,
- 3 SECTION 105, IS AMENDED TO READ AS FOLLOWS
- 4 [EFFECTIVE UPON PASSAGE]: Sec. 35. "Committee" means the
- 5 following:
- 6 (1) For purposes of IC 12-15-33, the meaning set forth in
- 7 IC 12-15-33-1.
- 8 (2) For purposes of IC 12-17.2-3.3, the meaning set forth in
- 9 IC 12-17.2-3.3-1.
- 10 **(3) For the purposes of IC 12-17.2-3.7, has the meaning set**
- 11 **forth in IC 12-17.2-3.7-1.**
- 12 SECTION 3. IC 12-7-2-75.7 IS ADDED TO THE INDIANA CODE
- 13 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
- 14 UPON PASSAGE]: **Sec. 75.7. "Eligible child", for purposes of**
- 15 **IC 12-17.2-3.7, has the meaning set forth in IC 12-17.2-3.7-2.**
- 16 SECTION 4. IC 12-7-2-76.2 IS ADDED TO THE INDIANA CODE
- 17 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
- 18 UPON PASSAGE]: **Sec. 76.2. "Eligible provider", for purposes of**
- 19 **IC 12-17.2-3.7, has the meaning set forth in IC 12-17.2-3.7-3.**
- 20 SECTION 5. IC 12-7-2-76.3 IS ADDED TO THE INDIANA CODE
- 21 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
- 22 UPON PASSAGE]: **Sec. 76.3. "Eligible services", for purposes of**
- 23 **IC 12-17.2-3.7, has the meaning set forth in IC 12-17.2-3.7-4.**
- 24 SECTION 6. IC 12-7-2-91, AS AMENDED BY P.L.130-2009,

1 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 UPON PASSAGE]: Sec. 91. "Fund" means the following:

3 (1) For purposes of IC 12-12-1-9, the fund described in
4 IC 12-12-1-9.

5 (2) For purposes of IC 12-15-20, the meaning set forth in
6 IC 12-15-20-1.

7 (3) For purposes of IC 12-17-12, the meaning set forth in
8 IC 12-17-12-4.

9 **(4) For purposes of IC 12-17.2-3.7, the meaning set forth in**
10 **IC 12-17.2-3.7-5.**

11 ~~(4)~~ **(5)** For purposes of IC 12-17.6, the meaning set forth in
12 IC 12-17.6-1-3.

13 ~~(5)~~ **(6)** For purposes of IC 12-23-2, the meaning set forth in
14 IC 12-23-2-1.

15 ~~(6)~~ **(7)** For purposes of IC 12-23-18, the meaning set forth in
16 IC 12-23-18-4.

17 ~~(7)~~ **(8)** For purposes of IC 12-24-6, the meaning set forth in
18 IC 12-24-6-1.

19 ~~(8)~~ **(9)** For purposes of IC 12-24-14, the meaning set forth in
20 IC 12-24-14-1.

21 ~~(9)~~ **(10)** For purposes of IC 12-30-7, the meaning set forth in
22 IC 12-30-7-3.

23 SECTION 7. IC 12-7-2-93.7 IS ADDED TO THE INDIANA CODE
24 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE
25 UPON PASSAGE]: **Sec. 93.7. "Grant", for purposes of**
26 **IC 12-17.2-5, has the meaning set forth in IC 12-17.2-3.7-6.**

27 SECTION 8. IC 12-7-2-135.8 IS ADDED TO THE INDIANA
28 CODE AS A **NEW SECTION** TO READ AS FOLLOWS
29 [EFFECTIVE UPON PASSAGE]: **Sec. 135.8. "Paths to QUALITY**
30 **program", for purposes of IC 12-17.2-2-14 and IC 12-17.2-3.7,**
31 **refers to the paths to QUALITY program described in**
32 **IC 12-17-2-14.**

33 SECTION 9. IC 12-7-2-146, AS AMENDED BY P.L.110-2010,
34 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 UPON PASSAGE]: Sec. 146. "Program" refers to the following:

36 (1) For purposes of IC 12-8-12.5, the meaning set forth in
37 IC 12-8-12.5-1.

38 (2) For purposes of IC 12-10-7, the adult guardianship services
39 program established by IC 12-10-7-5.

40 (3) For purposes of IC 12-10-10, the meaning set forth in
41 IC 12-10-10-5.

42 **(4) For purposes of IC 12-17.2-2-14, the meaning set forth in**
43 **IC 12-17.2-2-14.**

44 **(5) For purposes of IC 12-17.2-3.7, the meaning set forth in**
45 **IC 12-17.2-3.7-7.**

46 ~~(4)~~ **(6)** For purposes of IC 12-17.6, the meaning set forth in

- 1 IC 12-17.6-1-5.
 2 SECTION 10. IC 12-17.2-2-14 IS ADDED TO THE INDIANA
 3 CODE AS A NEW SECTION TO READ AS FOLLOWS
 4 [EFFECTIVE UPON PASSAGE]: **Sec. 14. (a) As used in this section,**
 5 **"program" refers to the paths to QUALITY program established**
 6 **by subsection (b).**
 7 **(b) The paths to QUALITY program is established. The**
 8 **program is a voluntary child care facility quality rating and**
 9 **improvement system implemented by the division in partnership**
 10 **with the following organizations under the trademark "Paths to**
 11 **QUALITY":**
 12 **(1) Indiana Association for the Education of Young Children.**
 13 **(2) Indiana Association for Child Care Resource and Referral.**
 14 **(3) Indiana Head Start Collaboration Office.**
 15 **(4) Department of education established by IC 20-19-3-1.**
 16 **(5) Early Childhood Alliance.**
 17 **(6) 4 C's of Southern Indiana.**
 18 **(c) The program shall use four (4) levels at which a child care**
 19 **facility participating in the program may be rated, with level 4**
 20 **indicating the highest level of quality child care.**
 21 **(d) The office of the secretary shall adopt rules under IC 4-22-2**
 22 **to administer the paths to QUALITY program rating system. The**
 23 **rules must include procedures that outline eligibility and**
 24 **application procedures for the program, the establishment of**
 25 **procedures relating to the rating process, and the establishment or**
 26 **alteration of standards used in the rating process.**
 27 **(e) The office of the secretary shall adopt rules under IC 4-22-2**
 28 **to establish the steering council of the program to make**
 29 **recommendations to the division on program issues and resources.**
 30 **Rules adopted under this subsection must require that council**
 31 **members be appointed from partner organizations that assist in**
 32 **the implementation of the program and serve to coordinate the**
 33 **program plan.**
 34 SECTION 11. IC 12-17.2-3.7 IS ADDED TO THE INDIANA
 35 CODE AS A NEW CHAPTER TO READ AS FOLLOWS
 36 [EFFECTIVE UPON PASSAGE]:
 37 **Chapter 3.7. Early Learning Advisory Committee; Early**
 38 **Education Matching Grant Program**
 39 **Sec. 1. As used in this chapter, "committee" refers to the early**
 40 **learning advisory committee established by section 8 of this**
 41 **chapter.**
 42 **Sec. 2. As used in this chapter, "eligible child" refers to a child**
 43 **who qualifies as an eligible child under section 15 of this chapter.**
 44 **Sec. 3. As used in this chapter, "eligible provider" refers to an**
 45 **entity that qualifies as an eligible provider under section 16 of this**
 46 **chapter.**
 47 **Sec. 4. As used in this chapter, "eligible services" refers to a**

1 program of early education services that meets the standards of
 2 quality recognized by a Level 3 or Level 4 paths to QUALITY
 3 program rating.

4 Sec. 5. As used in this chapter, "fund" refers to the early
 5 education matching grant program fund established by section 11
 6 of this chapter.

7 Sec. 6. As used in this chapter, "grant" refers to a matching
 8 grant from the fund.

9 Sec. 7. As used in this chapter, "program" refers to the early
 10 education matching grant program established by this chapter.

11 Sec. 8. (a) The early learning advisory committee is established.

12 (b) The committee consists of six (6) members appointed by the
 13 governor as follows:

14 (1) A representative of the department of education.

15 (2) A representative of the division.

16 (3) A representative of a Head Start program under 42 U.S.C.
 17 9831 et seq.

18 (4) A representative of a family advocacy group that has an
 19 interest in early childhood education.

20 (5) An early childhood education provider.

21 (6) A representative of business with an interest in early
 22 childhood education.

23 (c) The governor shall appoint the chairperson of the committee.

24 (d) The division shall staff the committee.

25 (e) The expenses of the committee shall be paid from the funds
 26 of the division.

27 (f) Each member of the committee who is not a state employee
 28 is entitled to the minimum salary per diem provided by
 29 IC 4-10-11-2.1(b). The member is also entitled to reimbursement
 30 for traveling expenses as provided under IC 4-13-1-4 and other
 31 expenses actually incurred in connection with the member's duties
 32 as provided in the state policies and procedures established by the
 33 Indiana department of administration and approved by the budget
 34 agency.

35 (g) Each member of the committee who is a state employee but
 36 who is not a member of the general assembly is entitled to
 37 reimbursement for traveling expenses as provided under
 38 IC 4-13-1-4 and other expenses actually incurred in connection
 39 with the member's duties as provided in the state policies and
 40 procedures established by the Indiana department of
 41 administration and approved by the budget agency.

42 (h) Each member of the committee who is a member of the
 43 general assembly is entitled to receive the same per diem, mileage,
 44 and travel allowances paid to legislative members of interim study
 45 committees established by the legislative council. Per diem,
 46 mileage, and travel allowances paid under this section shall be paid
 47 from appropriations made to the legislative council or the

1 legislative services agency.

2 (i) The affirmative votes of a majority of the voting members
3 appointed to the committee are required for the committee to take
4 action on any measure, including final reports.

5 **Sec. 9. (a) The committee shall do the following:**

6 (1) Conduct periodic statewide needs assessments concerning
7 the quality and availability of early education programs for
8 children from birth to the age of school entry, including the
9 availability of high quality prekindergarten education for low
10 income children in Indiana.

11 (2) Identify opportunities for, and barriers to, collaboration
12 and coordination among federally and state funded child
13 development, child care, and early childhood education
14 programs and services, including governmental agencies that
15 administer the programs and services.

16 (3) Assess the capacity and effectiveness of two (2) and four
17 (4) year public and private higher education institutions in
18 Indiana for the support of development of early educators,
19 including:

20 (A) professional development and career advancement
21 plans; and

22 (B) practice or internships with Head Start or
23 prekindergarten programs.

24 (4) Recommend to the division procedures, policies, and
25 eligibility criteria for the program.

26 (5) Other duties as determined necessary by the chairperson
27 of the committee.

28 (b) Not later than June 30 of each year, the committee shall
29 develop and make recommendations to the governor and, in an
30 electronic format under IC 5-14-6, to the legislative council
31 concerning the results of the committee's work under this section.

32 **Sec. 10. The division shall administer an early education
33 matching grant program in compliance with this chapter. The
34 division may establish procedures, forms, and standards to carry
35 out this chapter. The office of the secretary may adopt rules under
36 IC 4-22-2 to carry out this chapter.**

37 **Sec. 11. (a) The early education matching grant program fund
38 is established for the purpose of providing matching grants to
39 providers of eligible services. The fund shall be administered by the
40 division.**

41 (b) The fund consists of the following:

42 (1) Appropriations by the general assembly.

43 (2) Grants and gifts that the state receives for the fund under
44 terms, obligations, and liabilities that the division considers
45 appropriate.

46 (c) The treasurer of state shall invest the money in the fund not
47 currently needed to meet the obligations of the fund in the same

1 manner as other public money may be invested. Interest that
2 accrues from these investments shall be deposited in the fund.

3 (d) Money in the fund at the end of a state fiscal year does not
4 revert to the state general fund. The fund is a trust fund and may
5 not be transferred to another fund under IC 4-9.1-1-7.

6 Sec. 12. The division shall establish an application process for
7 grants from the fund.

8 Sec. 13. The division may award a grant from the fund to an
9 applicant that:

10 (1) agrees to operate as an eligible provider;

11 (2) either:

12 (A) has obtained a matching gift or grant; or

13 (B) has a commitment for a matching gift or grant;

14 from any combination of foundations, other nonprofit entities,
15 individuals, or for-profit entities for the purposes of the
16 applicant's program of eligible services;

17 (3) provides the division with a plan for use of the grant and
18 any related matching funds that demonstrates to the
19 satisfaction of the division that use of the grant and related
20 matching funds will increase the number of eligible children
21 receiving eligible services;

22 (4) enters into a written agreement with the division
23 concerning the delivery of eligible services and the use of a
24 grant provided under this chapter, which incorporates the
25 plan approved by the division under subdivision (3); and

26 (5) provides to the division any other information that the
27 division determines necessary or appropriate for the grant.

28 Sec. 14. Foundations, nonprofit entities, individuals, and
29 for-profit entities may contribute an amount to the fund:

30 (1) for the purposes of providing a matching gift or grant
31 described in section 13(2) of this chapter; or

32 (2) as unrestricted funds.

33 Sec. 15. To qualify as an eligible child, the child must be:

34 (1) a member of a household with an annual income that does
35 not exceed one hundred eighty-five percent (185%) of the
36 federal poverty level;

37 (2) at least four (4) years of age and less than five (5) years of
38 age when the child receives eligible services; and

39 (3) a resident of Indiana or otherwise have legal settlement in
40 Indiana, as determined under IC 20-26-11.

41 Sec. 16. To qualify as an eligible provider, an applicant must:

42 (1) be an entity other than an individual;

43 (2) provide eligible services to individuals for at least one
44 hundred eighty (180) days per year;

45 (3) administer the kindergarten readiness assessment
46 (ISTAR-KR) adopted by the department of education to
47 children receiving eligible services as required by the division;

1 **(4) include a parental involvement component in the delivery**
 2 **of eligible services that is based on the requirements and**
 3 **guidelines established by the division;**

4 **(5) comply with the agreement with the division concerning**
 5 **the delivery of eligible services and the use of a grant**
 6 **provided under this chapter; and**

7 **(6) comply with any other standards and procedures**
 8 **established under this chapter.**

9 **Sec. 17. The division shall monitor for compliance of a recipient**
 10 **of a grant with the terms of the grant.**

11 **Sec. 18. (a) The division shall monitor the educational outcomes**
 12 **resulting from the delivery of eligible services by eligible providers**
 13 **that receive a grant under this chapter over the period established**
 14 **by the division to evaluate the contribution eligible services makes**
 15 **toward improved education outcomes.**

16 **(b) The division shall provide the department of education with**
 17 **information necessary for the department of education to assign a**
 18 **child who receives early education services from a provider that**
 19 **participates in the program under this chapter a student testing**
 20 **number. Upon receipt of the information, the department of**
 21 **education shall assign the child a student testing number to track**
 22 **the child's educational growth and development.**

23 **(c) The department of education shall cooperate with the**
 24 **division as necessary or appropriate to assist the division to carry**
 25 **out this section, including the sharing of information related to the**
 26 **educational outcomes assigned a student testing number under**
 27 **subsection (b) to the extent permitted by the laws governing the**
 28 **disclosure of student information.**

29 **(d) Beginning in 2015, the division shall annually provide the**
 30 **committee, the governor, and (in an electronic format under**
 31 **IC 5-14-6) the legislative council a report of the findings of the**
 32 **division under this section in a form that complies with all laws**
 33 **governing the disclosure of student information."**

34 Renumber all SECTIONS consecutively.

(Reference is to ESB 338 as printed April 8, 2013.)

Representative Crouch