

## **ARTICLE 4. PUPIL PERSONNEL SERVICES; STUDENT HEALTH TESTING; FOOD AND NUTRITION PROGRAMS; EXTENDED SERVICES**

### **Rule 1. Pupil Personnel Services; Guidelines, Administration, Program Services (Repealed)**

*(Repealed by Indiana State Board of Education; filed Jun 19, 2000, 10:37 a.m.: 23 IR 2717)*

### **Rule 1.5. Student Services**

#### **511 IAC 4-1.5-1 Definitions**

Authority: IC 20-19-2-8; IC 20-31-4-17

Affected: IC 20-31-4

Sec. 1. (a) The definitions in this section apply throughout this rule.

(b) "Credential" means a professional certificate or license issued to an individual by an agency of Indiana. For the purpose of this rule, the term does not include any of the various forms of credentials issued by professional associations.

(c) "Educational and career services" means services that assist students in identifying realistic and challenging futures and provide the support services to help in realizing those futures.

(d) "Elementary school" means grades 1 through 6.

(e) "Health services" means programs and services that promote and protect the health, safety, and well-being of students to assure a healthy environment that nurtures academic growth.

(f) "Secondary school" means grades 7 through 12.

(g) "Student assistance services" means services that prevent or alleviate problems that interfere with student learning.

(h) "Student services" means:

- (1) educational and career services;
- (2) student assistance services; and
- (3) health services.

(i) "Student services personnel" means persons who provide educational and career services, student assistance services, or health services and who hold credentials in the areas of:

- (1) school counseling for educational and career services;
- (2) school counseling, school psychology, or school social work (master's level) for student assistance services; or
- (3) registered nursing for health services.

*(Indiana State Board of Education; 511 IAC 4-1.5-1; filed Jun 19, 2000, 10:37 a.m.: 23 IR 2715; readopted filed Aug 15, 2006, 8:44 a.m.: 20060830-IR-511060144RFA)*

#### **511 IAC 4-1.5-2 Personnel**

Authority: IC 20-19-2-8; IC 20-31-4-17

Affected: IC 20-31-4

Sec. 2. (a) Student services personnel shall hold appropriate credentials.

(b) The following ratios are recommended for providing student services:

(1) For elementary educational and career services, one (1) school counselor for every six hundred (600) students enrolled in grades 1 through 6 in the corporation.

(2) For secondary school educational and career services, one (1) school counselor for every three hundred (300) students enrolled in grades 7 through 12 in the corporation.

(3) For student assistance services, one (1) school counselor, school psychologist, or master's level school social worker for every seven hundred (700) students enrolled in the corporation.

(4) For health services, one (1) registered nurse for every seven hundred fifty (750) students enrolled in the corporation.

*(Indiana State Board of Education; 511 IAC 4-1.5-2; filed Jun 19, 2000, 10:37 a.m.: 23 IR 2715; readopted filed Aug 15, 2006, 8:44 a.m.: 20060830-IR-511060144RFA)*

#### **511 IAC 4-1.5-3 Records**

Authority: IC 20-19-2-8; IC 20-31-4-17

Affected: IC 5-14-3; IC 5-15-6; IC 20-31-4

Sec. 3. All records shall be maintained, released, and destroyed in accordance with:

(1) the provisions of the Family Educational Rights and Privacy Act (20 U.S.C. 1232g and the regulations at 34 CFR 99) and the Indiana Public Records Act (IC 5-14-3); and

(2) records retention schedules and regulations of the county commission of public records under IC 5-15-6.

*(Indiana State Board of Education; 511 IAC 4-1.5-3; filed Jun 19, 2000, 10:37 a.m.: 23 IR 2715; readopted filed Aug 15, 2006, 8:44 a.m.: 20060830-IR-511060144RFA)*

#### **511 IAC 4-1.5-4 Educational and career services**

Authority: IC 20-19-2-8; IC 20-31-4-17

Affected: IC 20-31-4

Sec. 4. (a) School corporations shall provide educational and career services at the secondary school level. Secondary school educational and career services shall be coordinated by a certified school counselor.

(b) School corporations should provide educational and career services at the elementary school level.

(c) Educational services shall include, but are not limited to, the following:

(1) Admission and orientation, which includes developing and implementing a systematic program for the:

(A) orientation of prospective students; and

(B) orderly transfer of students in and out of the school.

(2) Study skills and tutoring, which includes:

(A) assisting teachers in developing student study skills through a planned sequence of instruction; and

(B) arranging tutoring services through the school or private tutors as needed.

(3) Achievement testing, which includes:

(A) assisting teachers with the administration of local, state, and national group achievement testing programs;

(B) providing individual achievement testing to students when needed; and

(C) assisting teachers and administrators in interpreting and reporting the results of achievement tests to students, parents, and the community.

(4) Advising and scheduling, which includes:

(A) assisting students in planning a meaningful program of studies leading to appropriate educational and career placements; and

(B) ensuring that all staff who provide advisory services are knowledgeable of the school corporation's philosophy and procedures for course selection or placement.

(d) Career services shall include, but are not limited to, the following:

(1) Career education, which includes providing a planned sequence of instruction in career education based on written proficiencies for all students in grades 1 through 12 in coordination with other schools in the corporation.

(2) Career information, which includes disseminating current educational and occupational information to staff, parents, and community members, as well as to students.

(3) Career assessment, which includes:

(A) administering interest inventories or other career assessment instruments to all students at least once during their school careers; and

(B) interpreting and reporting the results of career interests inventories to students, parents, and teachers.

(4) Career planning, which includes providing assistance to students either through an advisory program or other small group presentations to help them develop educational and career plans.

(5) Placement and follow-up, which includes:

(A) assisting students with:

(i) making choices;

(ii) learning about educational opportunities; and

(iii) making referrals to placement agencies, including when students:

(AA) are enrolled;

(BB) leave school prematurely; and

(CC) graduate; and

(B) conducting periodic follow-up studies of graduates to learn their degree of success in postsecondary endeavors.

*(Indiana State Board of Education; 511 IAC 4-1.5-4; filed Jun 19, 2000, 10:37 a.m.: 23 IR 2715; readopted filed Aug 15, 2006, 8:44 a.m.: 20060830-IR-511060144RFA)*

#### **511 IAC 4-1.5-5 Student assistance services**

Authority: IC 20-19-2-8; IC 20-31-4-17

Affected: IC 20-31-4

Sec. 5. (a) School corporations shall provide student assistance services at the elementary and secondary school levels.

(b) Student assistance services shall be coordinated by a:

- (1) certified school counselor;
- (2) certified school psychologist; or
- (3) certified school social worker (master's level).

(c) Student assistance services shall include, but are not limited to, the following:

(1) Prevention, which includes:

- (A) assisting teachers and parents in delivering the health and social studies proficiencies of the school curricula;
- (B) collaborating with community resources to develop summer and extended school programs to meet the social and recreational needs of students; and
- (C) educating school staff and parents on the developmental needs and behavioral management of students.

(2) Assessment, which includes:

- (A) educating school staff and parents to identify and refer students who are experiencing problems that interfere with student learning;
- (B) obtaining and interpreting data on student needs; and
- (C) implementing the school's policies and procedures with regard to identifying and referring students with their families who are in need of special services.

(3) Intervention, which includes:

- (A) providing brief individual and group counseling to students and families who need help with personal concerns or developmental problems; and
- (B) providing consultation services to school staff and parents regarding strategies for helping students cope with personal and social concerns.

(4) Referral, which includes:

- (A) implementing policies and procedures for referring students and families to student assistance services and to community agencies for intensive counseling or other specialized services not available from the school;
- (B) disseminating a directory of community services and resources; and
- (C) creating a system to monitor referrals to ensure that students and families receive services in a timely and appropriate manner.

*(Indiana State Board of Education; 511 IAC 4-1.5-5; filed Jun 19, 2000, 10:37 a.m.: 23 IR 2716; readopted filed Aug 15, 2006, 8:44 a.m.: 20060830-IR-511060144RFA)*

#### **511 IAC 4-1.5-6 Health services**

Authority: IC 20-19-2-8; IC 20-31-4-17

Affected: IC 20-31-4

Sec. 6. (a) School corporations shall provide health services at the elementary and secondary school level.

(b) Except as provided in subsection (c), a school corporation shall employ at least one (1) registered nurse who holds a bachelor of science in nursing and who shall coordinate health services.

(c) A school corporation may employ a registered nurse who does not hold a bachelor of science in nursing to coordinate health services under the following circumstances:

- (1) The registered nurse was employed by the school corporation on June 30, 2000, to coordinate health services.

- (2) The registered nurse has been continuously employed in the same position since June 30, 2000.
- (d) Health services include, but are not limited to, the following:
  - (1) Prevention, which includes:
    - (A) creating a safe and healthful school environment through a continuous health program for all students;
    - (B) employing principles of learning and appropriate teaching in the delivery of health education; and
    - (C) acting as a resource to students, families, staff, and the community regarding:
      - (i) health services;
      - (ii) health education; and
      - (iii) a healthy environment.
  - (2) Assessment, which includes:
    - (A) maintaining a continuous health program for all students through implementing and monitoring health services in accordance with laws, regulations, and standards of practice; and
    - (B) using the nursing process to collect, interpret, and record information about the health, developmental, and educational status of students to determine a nursing diagnosis and develop health care plans.
  - (3) Intervention, which includes:
    - (A) implementing and monitoring a system for the provision of health services and emergency care;
    - (B) providing individual and group counseling to students and staff in health related matters; and
    - (C) communicating with parents and collaborating with others to facilitate the continuity of services and care.
  - (4) Referral, which includes:
    - (A) utilizing appropriate health care personnel and health care resources to meet individual student needs;
    - (B) evaluating student and family responses to nursing actions and referrals; and
    - (C) coordinating health services with:
      - (i) families;
      - (ii) other school programs;
      - (iii) in-school professionals;
      - (iv) school-based resources; and
      - (v) community-based resources.

*(Indiana State Board of Education; 511 IAC 4-1.5-6; filed Jun 19, 2000, 10:37 a.m.: 23 IR 2716; readopted filed Aug 15, 2006, 8:44 a.m.: 20060830-IR-511060144RFA)*

#### **511 IAC 4-1.5-7 Crisis intervention plans**

Authority: IC 20-19-2-8; IC 20-31-4-17

Affected: IC 20-31-4

Sec. 7. Each school corporation shall, in concert with the emergency preparedness plan developed under 511 IAC 6.1-2-2.5, develop a crisis intervention plan for the school corporation and for each school in the school corporation. The plan, which should be developed by student services personnel in conjunction with school administrators and community crisis intervention personnel, shall include crisis management and intervention provisions. *(Indiana State Board of Education; 511 IAC 4-1.5-7; filed Jun 19, 2000, 10:37 a.m.: 23 IR 2717; readopted filed Aug 15, 2006, 8:44 a.m.: 20060830-IR-511060144RFA)*

#### **511 IAC 4-1.5-8 Student services program management**

Authority: IC 20-19-2-8; IC 20-31-4-17

Affected: IC 20-31-4

Sec. 8. (a) Program management activities, which are necessary to ensure that the student services program is relevant, efficient, and accountable, may be performed at the school or corporation level and should be the responsibility of a person who holds a credential in a student services area or an administrator.

- (b) Program management activities shall include, but are not limited to, the following:
  - (1) Conducting needs assessments to serve as a basis for program development.
  - (2) Creating and using an advisory board, consisting of staff, parents, students, and community representatives, to advise and

support the student services program.

(3) Developing, in conjunction with school corporation administrators, policies and procedures for each service area for approval by the governing body of the school corporation.

(4) Coordinating services:

(A) within the school;

(B) among the schools in the corporation; and

(C) between the schools and the community.

(5) Creating an evaluation system for personnel and services that is based in part on student outcomes.

*(Indiana State Board of Education; 511 IAC 4-1.5-8; filed Jun 19, 2000, 10:37 a.m.: 23 IR 2717; readopted filed Aug 15, 2006, 8:44 a.m.: 20060830-IR-511060144RFA)*

## **Rule 2. Student Health Testing**

### **511 IAC 4-2-1 Visual acuity testing; equipment and procedures; reports**

Authority: IC 20-19-2-8

Affected: IC 20-34-3-12

Sec. 1. (a) All school corporations shall conduct an annual screening test of the visual acuity of all children enrolled in or transferred to grades 3 and 8 and all other school children suspected of having a visual defect.

(b) Equipment for testing visual acuity *[sic.]* shall consist of the following:

(1) The minimum equipment to be used shall be a Snellen Chart illuminated by two (2) sixty (60) watt bulbs.

(2) The Snellen E Chart shall be used for grade 3.

(3) The Snellen Alphabetical Chart shall be used for grade 8.

(4) The use of testing equipment equivalent to or more elaborate than the Snellen test is at the discretion of the local school system and should be based on the recommendations of the school's professional health advisory sources.

(c) Procedures for vision testing are as follows:

(1) Equipment shall be used as follows:

(A) The Snellen Chart (E or Alphabetical) shall be used at a distance of twenty (20) feet.

(B) The lamps used to illuminate the chart shall be placed one (1) foot from the chart.

(2) The following standards apply:

(A) Children in grade 3 who are unable to read with each eye the 20/30 line of the Snellen Chart shall be recommended for further examination based upon the recommendations of the professional advisors of a school's eye screening program.

(B) Children in grade 8 who are unable to read with each eye the 20/20 line of the Snellen Chart shall be recommended for further examination.

(C) Parents of children with corrective lenses or other ocular devices shall be informed of the eye screening program but these children need not be referred for further examination.

(d) The school administrator shall assign the best qualified person in the school system or school health service to supervise eye screening tests.

(e) Each school corporation shall submit an annual report of its vision testing program under this section and 511 IAC 4-2-1.1 to the Indiana state board of health. The report shall include the following:

(1) The number of children in each grade tested.

(2) The number of children in each grade requiring further examination.

(3) The number of children receiving further professional attention.

(4) The type of screening test used.

(5) The person or department supervising the testing program.

The school's testing program is subject to review and approval by the state board of education and the state board of health.

*(Indiana State Board of Education; Rule S-3; filed Mar 30, 1960, 1:40 pm: Rules and Regs. 1961, p. 28; filed Mar 24, 1988, 8:30 am: 11 IR 2860; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937; readopted filed Nov 20, 2007, 11:36 a.m.: 20071219-IR-511070386RFA) NOTE: This rule was promulgated jointly with the state board of health and also appears at 410 IAC 3-1. NOTE:*

*Transferred from the Commission on General Education (510 IAC 13-1-1) to the Indiana State Board of Education (511 IAC 4-2-1) by P.L.20-1984, SECTION 206. Effective July 1, 1984.*

**511 IAC 4-2-1.1 Visual acuity testing; modified clinical technique**

Authority: IC 20-19-2-8

Affected: IC 20-34-3-12

Sec. 1.1. (a) Every school corporation shall conduct an annual visual test, using the modified clinical technique, of children when they enroll in either kindergarten or grade 1 unless an eye care professional requests, in writing, that the child not be tested. The modified clinical technique consists of testing for vision acuity, refractive error, ocular health, and binocular coordination. The school corporation shall use the suggested equipment unless the professional health personnel of the school recommend other equivalent or superior equipment.

(b) To test for visual acuity, the school corporation shall use the Snellen Alphabetical, Stycar (HOTV) Chart or equivalent test. The chart shall be calibrated at ten (10) to twenty (20) feet for distance vision and fourteen (14) inches for near vision. For testing distance vision, the chart shall be illuminated by two (2) sixty (60) watt bulbs and for near vision, by one (1) sixty (60) watt bulb. The chart shall be located at a distance of ten (10) to twenty (20) feet from the student and calibrated accordingly. Lamps shall be placed one (1) foot from the chart. The school shall recommend for further examination those students who:

- (1) are unable to read the 20/40 line with either eye;
- (2) with one (1) eye can read a line that is two (2) or more lines higher or lower on the chart than the line that can be read with the other eye; or
- (3) are unable to read the 20/30 line at 14 inches using both eyes.

(c) To test for refractive error, a retinoscope with loose lenses or a lens bar shall be used. The child shall focus on an object at twenty (20) feet for distance vision of *[sic.]* 3/4 meter (29.53 inches) for near vision. A school corporation shall recommend for further examination a student who has:

- (1) refraction of +2.00 D or greater;
- (2) refraction of -1.00 or greater;
- (3) astigmatism of 1.00 D or greater;
- (4) anisometropia of 1.00 D or greater.

(d) To determine the external health of the eyes, the ocular adnexa, conjunctiva and cornea of the eyes shall be observed in a room with normal illumination and the illumination from a pen light.

(e) To determine the internal health of the eyes, the anterior chamber, iris, posterior chamber, lens, vitreous, optic nerve head, and retina shall be observed with a direct ophthalmoscope with rheostat, variable aperture and variable plus and minus lenses.

(f) Binocularity shall be tested respectively at twenty (20) feet (distance) and fourteen (14) inches (near). To test the binocularity of the eyes, any of the following equipment may be used:

- (1) A paddle occluder *[sic.]* to alternately cover the eyes while the opposite eye fixates on a target.
- (2) Plastic or glass prisms loose or in a bar or rotary pedestal to measure manifest or latent deviation.
- (3) Stereopsis targets with appropriate testing spectacles. Disparity shall be recorded in seconds of arc.
- (g) The school corporation shall recommend for further examination those students who demonstrate:
  - (1) a manifest deviation of any size;
  - (2) a latent deviation of 10 prism diopters of exodeviation;
  - (3) a latent deviation of 8 prism diopters of esodeviation; or
  - (4) a lack of stereo acuity.

(h)(1) The school administrator shall be responsible for assigning the best qualified person(s) in the school system or school health service for conducting, supervising, and assisting in eye screening.

(2) The school administration shall be responsible for obtaining the services of a licensed eye health care professional to conduct testing using the modified clinical technique (internal and external diseases of the eye, testing of refraction and binocularity using paddle occlusion test with prism measurement) for students upon first entrance into the school. (*Indiana State Board of Education; 511 IAC 4-2-1.1; filed Mar 24, 1988, 8:30 am: 11 IR 2861; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937; readopted filed Nov 20, 2007, 11:36 a.m.: 20071219-IR-511070386RFA*) NOTE: This rule was promulgated jointly with the state board of health and also appears at 410 IAC 3-1.1.

**511 IAC 4-2-2 Lead poisoning testing**

Authority: IC 20-19-2-8

Affected: IC 20-34-3-12

Sec. 2. Lead Poisoning Test. Lead poisoning test methods shall include one or more of the following acceptable quantitative test procedures for screening or confirmatory purposes to determine the content of lead in blood, urine or other clinical specimen from human sources.

(a) The acceptable quantitative test procedures for the detection of blood lead shall include the following methods: dithizone, colorimetric, atomic absorption spectrophotometric, emission spectroscopic, anodic stripping voltametric, fluorimetric test for free erythrocyte porphyrins (indirect test for blood lead), or any other procedure shown to be accurate and reliable.

(b) Also acceptable is the quantitative test on urine to measure elevated urinary ALA (delta-aminolevulinic acid) as an indirect test for lead poisoning or any other accurate and reliable test on urine, specimens of hair or other clinical specimen from human sources.

*(Indiana State Board of Education; Rule H-1, Sec 1; filed Apr 10, 1974, 2:00 pm: Rules and Regs. 1975, p. 342; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937; readopted filed Nov 20, 2007, 11:36 a.m.: 20071219-IR-511070386RFA) NOTE: This rule was promulgated jointly with the state board of health and also appears at 410 IAC 3-2. NOTE: Transferred from the Commission on General Education (510 IAC 13-2-1) to the Indiana State Board of Education (511 IAC 4-2-2) by P.L.20-1984, SECTION 206, effective July 1, 1984.*

**511 IAC 4-2-3 Sickle cell anemia testing**

Authority: IC 20-19-2-8

Affected: IC 20-34-3-10

Sec. 3. Sickle Cell Anemia. (a) The sickle cell anemia testing equipment shall be of a type generally recognized as suitable to provide accurate test results by one or more of the test procedures indicated in (c). The equipment may be of manual or automated design, subjected to whatever periodic preventive maintenance and quality control measures are necessary to assure satisfactory operation and accurate test results.

(b) The qualifications of the sickle cell anemia testing personnel shall indicate sufficient training and experience in the techniques of the tests employed to assure competency in operation of the testing equipment and accuracy in the test results obtained.

(c) The sickle cell anemia testing procedures shall consist of one or more test methods generally recognized as dependable and accurate for the detection of sickle cell anemia. The test procedures may be of manual or automated type. The screening tests and/or confirmatory tests recognized as useful include the sodium metabisulfite method, the solubility or dithionite-type tests, hemoglobin electrophoresis procedures, and other tests which detect sickle cell anemia. *(Indiana State Board of Education; Rule H-1, Sec 2; filed Apr 10, 1974, 2:00 pm: Rules and Regs. 1975, p. 342; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937; readopted filed Nov 20, 2007, 11:36 a.m.: 20071219-IR-511070386RFA) NOTE: Transferred from the Commission on General Education (510 IAC 13-2-2) to the Indiana State Board of Education (511 IAC 4-2-3) by P.L.20-1984, SECTION 206, effective July 1, 1984.*

**Rule 3. Food and Nutrition Programs (Repealed)**

*(Repealed by Indiana State Board of Education; filed Feb 9, 1999, 4:18 p.m.: 22 IR 1972)*

**Rule 4. Educational Service Centers**

**511 IAC 4-4-1 Purpose of centers**

Authority: IC 20-19-2-8

Affected: IC 20-20-1-2; IC 20-20-1-3; IC 20-20-1-5

Sec. 1. Purpose. (A) The primary purpose for the establishment and operation of an educational service center shall be to perform educational planning on a cooperative basis and to assist in meeting specific educational needs in participating school districts which could be better provided by an educational service center than by the districts themselves.

(B) The educational service center shall assist in providing those educational programs and services which are determined

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pursuant to section 6 [511 IAC 4-4-6] to be priority needs of the cooperating group and shall assist in meeting special needs of individual school districts. (*Indiana State Board of Education; Rule SC-1, Sec 1; filed Jul 24, 1978, 9:20 am: 1 IR 569; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937; readopted filed Nov 20, 2007, 11:36 a.m.: 20071219-IR-511070386RFA*) NOTE: Transferred from the Commission on General Education (510 IAC 14-1-1) to the Indiana State Board of Education (511 IAC 4-4-1) by P.L.20-1984, SECTION 206, effective July 1, 1984.

**511 IAC 4-4-2 Membership units; establishment**

Authority: IC 20-19-2-8

Affected: IC 20-20-1-2; IC 20-20-1-3; IC 20-20-1-5

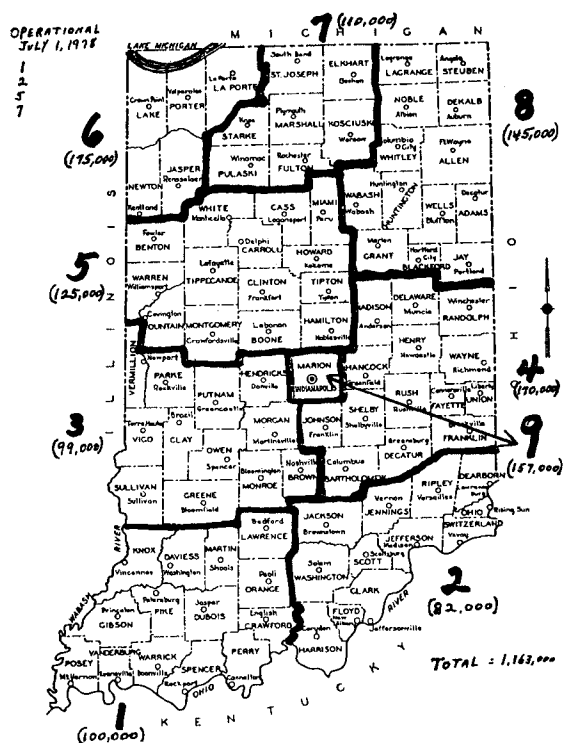
Sec. 2. Establishment of Membership Units. (A) The following geographical areas are designated (by county) as membership units and are eligible to organize and operate an educational service center.

ESC 1	ESC 2	ESC 3	ESC 4	ESC 5	ESC 6	ESC 7	ESC 8	ESC 9
Crawford	Clark	Brown	Bartholomew	Benton	Jasper	Elkhart	Adams	Marion
Daviess	Dearborn	Clay	Decatur	Boone	Lake	Fulton	Allen	
DuBois	Floyd	Greene	Delaware	Carroll	LaPorte	Kosciusko	Blackford	
Gibson	Harrison	Hendricks	Fayette	Cass	Newton	Marshall	DeKalb	
Knox	Jackson	Monroe	Franklin	Clinton	Porter	Pulaski	Grant	
Lawrence	Jefferson	Morgan	Hancock	Fountain		St. Joseph	Huntington	
Martin	Jennings	Owen	Henry	Hamilton		Starke	Jay	
Orange	Ohio	Parke	Johnson	Howard			LaGrange	
Perry	Ripley	Putnam	Madison	Miami			Noble	
Pike	Scott	Sullivan	Randolph	Montgomery			Steuben	
Posey	Switzerland	Vermillion	Rush	Tippecanoe			Wabash	
Spencer	Washington	Vigo	Shelby	Tipton			Wells	
Vanderburg			Union	Warren			Whitley	
Warrick			Wayne	White				
*100,000	*82,000	*99,000	*170,000	*125,000	*175,000	*110,000	*145,000	*157,000

\*Approximate enrollment, 1976.

(B) The designated units, should they become operational, shall be termed Educational Service Centers, hereafter designated as ESC.





(Indiana State Board of Education; Rule SC-1, Sec 2; filed Jul 24, 1978, 9:20 am: 1 IR 569; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937; readopted filed Nov 20, 2007, 11:36 a.m.: 20071219-IR-511070386RFA) NOTE: Transferred from the Commission on General Education (510 IAC 14-1-2) to the Indiana State Board of Education (511 IAC 4-4-2) by P.L.20-1984, SECTION 206, effective July 1, 1984.

### 511 IAC 4-4-3 Organization; cooperative agreement

Authority: IC 20-19-2-8; IC 20-20-1

Affected: IC 20-20-1

Sec. 3. (a) The initial organization of each ESC, after July 1, 1978, may occur upon petition to the Indiana state board of education by thirty percent (30%) of the local school corporations in any ESC membership unit identified previously in this section. The Indiana state board of education shall, upon receipt of such petition, invite representation from all public school districts whose central administration office is located within the petitioning ESC membership unit to a meeting wherein a plan for organization will be developed.

(b) For the purpose of planning, a committee composed of all superintendents whose employing corporation is within the ESC membership unit shall be created. Such committee shall select a chairman and secretary to serve throughout the planning and organizational period. The Indiana state board of education shall then assist in the necessary organizational activities for establishment of an ESC pursuant to IC 20-20-1.

(c) The organizational plan shall have as its focus a cooperative agreement to establish and maintain an ESC. This agreement shall address the following:

- (1) Governance.
- (2) Finance.
- (3) Fiscal responsibility.
- (4) Advisory council.

- (5) Fiscal and operating year.
- (6) Date of commencement.
- (7) Termination of agreement.
- (8) Amendments to agreement.
- (9) Any other topic deemed necessary by the participating school corporations.

The Indiana state board of education shall develop and make available a model agreement (contract).

(d) Within ninety (90) days after the signing of the initial cooperative agreement and by June 1 thereafter, the executive officer of the ESC shall submit to the Indiana state board of education and to each participating school corporation a plan that describes the objectives and procedures to be implemented in meeting:

- (1) the needs of the ESC;
- (2) the estimated cost of services and programs;
- (3) a needs assessment report; and
- (4) a procedure for evaluation.

(e) Requests from a school corporation to change its membership assignment must have the approval of the Indiana state board of education and the ESC that the corporation wishes to join. Notice shall be given to both ESCs affected and to the Indiana state board of education as follows:

- (1) If the change in membership assignment is proposed to take place at the beginning of a calendar year, notice shall be given no later than the first day of July preceding the change by eighteen (18) months.
- (2) If the change in membership assignment is proposed to take place at the beginning of a school year, notice shall be given by the first day of July preceding the change by twelve (12) months.

(f) The provisions of subsection (e) notwithstanding, a school corporation may change its membership assignment at any time if the change is approved by both ESCs affected. The change becomes effective when the Indiana state board of education is notified of the change. (*Indiana State Board of Education; Rule SC-1, Sec 3; filed Jul 24, 1978, 9:20 a.m.: 1 IR 572; filed Sep 24, 1997, 3:35 p.m.: 21 IR 380; readopted filed Jul 23, 2003, 10:15 a.m.: 26 IR 3960; errata filed Jul 11, 2005, 10:00 a.m.: 28 IR 3306*) NOTE: Transferred from the Commission on General Education (510 IAC 14-1-3) to the Indiana State Board of Education (511 IAC 4-4-3) by P.L.20-1984, SECTION 206, effective July 1, 1984.

#### **511 IAC 4-4-4 Membership; participation; services to nonpublic educational units**

Authority: IC 20-19-2-8

Affected: IC 20-20-1-2; IC 20-20-1-3; IC 20-20-1-5

Sec. 4. (a) Participation in services and programs provided by an ESC shall be discretionary, and no school corporation shall be compelled under this authority to participate. Except as provided in section 3(e) of this rule, a school corporation may not be a member of any ESC other than provided for in section 2 of this rule. A school corporation may, however, receive services from another ESC either through a cooperative contractual agreement administered by the ESC of which the corporation is a member or by direct contractual arrangement between the school corporation and the other ESC. This nonmember arrangement is encouraged if an ESC is unable to provide the service and especially where it is more practical to provide it through this arrangement.

(b) Full membership in an ESC shall be limited to public school corporations of the state. A center may provide services to nonpublic schools to the extent allowed by law and in accordance with criteria established by the governing board for providing such services. Information regarding the organization of an ESC shall be disseminated to nonpublic schools located within the membership area. (*Indiana State Board of Education; Rule SC-1, Sec 4; filed Jul 24, 1978, 9:20 a.m.: 1 IR 572; filed Sep 24, 1997, 3:35 p.m.: 21 IR 381; readopted filed Jul 23, 2003, 10:15 a.m.: 26 IR 3960; readopted filed Nov 4, 2009, 12:03 p.m.: 20091202-IR-511090701RFA*) NOTE: Transferred from the Commission on General Education (510 IAC 14-1-4) to the Indiana State Board of Education (511 IAC 4-4-4) by P.L.20-1984, SECTION 206, effective July 1, 1984.

#### **511 IAC 4-4-5 Governance; executive board; advisory council**

Authority: IC 20-19-2-8

Affected: IC 20-20-1

Sec. 5. (a) The management and control of an ESC shall be vested in a governing board, executive board, and advisory council.

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There shall be a governing board, which shall be an assembly composed of the superintendent or designee from each participating school corporation. Members of the governing board shall serve without compensation. The governing board shall meet at least twice a year to do the following:

- (1) Select from its membership those persons who shall constitute the executive board.
- (2) Review the terms of the educational service center agreement.
- (3) Review the evaluation procedures and results to assure that the objectives and needs of the center are being met in an effective and economical manner.
- (4) Consider and approve the center's budget and programs.
- (5) Approve any changes in the operational procedures for the following year.
- (b) There shall be an executive board composed of an uneven number of members. The number of members shall be not less than five (5) nor more than eleven (11). At the initial selection of an executive board, the following procedure shall determine the length of term for each member:
  - (1) If a five (5) member executive board is desired:
    - (A) the first three (3) members selected shall serve for a two (2) year term; and
    - (B) the next two (2) members chosen shall serve a three (3) year term.
  - (2) If a seven (7) member executive board is desired:
    - (A) the first four (4) members selected shall serve a two (2) year term; and
    - (B) the next three (3) members chosen shall serve a three (3) year term.
  - (3) If a nine (9) member executive board is desired:
    - (A) the first five (5) members selected shall serve for a two (2) year term; and
    - (B) the next four (4) members chosen shall serve a three (3) year term.
  - (4) If an eleven (11) member executive board is desired:
    - (A) the first six (6) members selected shall serve for a two (2) year term; and
    - (B) the next five (5) members chosen shall serve a three (3) year term.

After the terms of the initial selection expire, all executive board members shall be selected to serve a term of two (2) years beginning July 1 next following their selection. Vacancies shall be filled by appointment by the remaining members of the board. The officers of the executive board shall include a chairperson, vice chairperson, and secretary.

- (c) The executive board shall do the following:
  - (1) Arrange for the appointment and maintenance of an advisory council and meet with that group at least quarterly.
  - (2) Determine the policies and procedures for the general operation of the center in accordance with the plan approved for the center under section 3 of this rule.
  - (3) Establish and maintain such services and programs that it deems proper and in accordance with the plan approved for the center under section 3 of this rule.
  - (4) Review and evaluate periodically the process and development of the existing services and programs.
  - (5) Submit evaluation reports to the governing board and the advisory council and, by October 1 of the year following the school year the programs and services were provided, an annual evaluation report to the Indiana state board of education.
  - (6) Authorize the purchase of supplies and equipment as it deems necessary to carry out the functions of the center.
  - (7) Establish criteria to bill each participating school corporation for services rendered by the center.
  - (8) Employ such personnel as it deems necessary to carry out the functions of the center.
  - (9) Consider the budget and the services and program recommendations of the executive director and submit its findings annually to the governing board by May 15.
  - (10) Perform all other things that it deems proper for the successful operation of the center.
- (d) There shall be an advisory council to the executive board of each ESC. Provisions shall be made for representation of an equal number of:
  - (1) teachers;
  - (2) principals;
  - (3) members of the governing body of a school corporation;
  - (4) parents; and
  - (5) students.

The advisory council may organize and meet at least quarterly with the executive board to provide input on matters relating to

planning, operation, and evaluation of the center. (*Indiana State Board of Education; Rule SC-1, Sec 5; filed Jul 24, 1978, 9:20 a.m.: 1 IR 572; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937; readopted filed Nov 20, 2007, 11:36 a.m.: 20071219-IR-511070386RFA; filed Dec 21, 2010, 10:11 a.m.: 20110119-IR-511090359FRA*) NOTE: Transferred from the Commission on General Education (510 IAC 14-1-5) to the Indiana State Board of Education (511 IAC 4-4-5) by P.L.20-1984, SECTION 206, effective July 1, 1984.

**511 IAC 4-4-6 Programs and services; coordination**

Authority: IC 20-19-2-8

Affected: IC 20-20-1-2; IC 20-20-1-3; IC 20-20-1-5

Sec. 6. Programs and Services. (A) Pursuant to Section 5 [511 IAC 4-4-5], the Executive Board shall submit annually a plan to the school corporations within the ESC. This plan shall identify the services and programs which are suggested for implementation by the ESC during the following school year and shall contain components for long range planning. This plan, on approval of the Governing Board, shall be forwarded to the State Board of Education by June 1.

(B) The State Board of Education may review the proposed plan for the purposes of coordinating:

- (1) long range planning with other ESC's;
- (2) needs assessment report and suggested programs;
- (3) research, development, and dissemination.

(C) These programs and services may include, but are not limited to, the following:

- (1) curriculum development
- (2) pupil personnel services
- (3) in-service education
- (4) instructional materials and multi-media services
- (5) purchasing and financial management
- (6) needs assessment
- (7) computer utilization
- (8) research and development.

(*Indiana State Board of Education; Rule SC-1, Sec 6; filed Jul 24, 1978, 9:20 am: 1 IR 573; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937; readopted filed Nov 20, 2007, 11:36 a.m.: 20071219-IR-511070386RFA*) NOTE: Transferred from the Commission on General Education (510 IAC 14-1-6) to the Indiana State Board of Education (511 IAC 4-4-6) by P.L.20-1984, SECTION 206, effective July 1, 1984.

**511 IAC 4-4-7 Fiscal responsibility; administration costs; withdrawal of corporation; financial support**

Authority: IC 20-19-2-8; IC 20-20-1

Affected: IC 20-20-1-5

Sec. 7. (a) An educational service center may either be attached to a participating school corporation which shall administer the fiscal responsibility and be the fiscal agent for the center, or it may establish a separate treasury with separate accounts. When an educational service center is not attached to a participating school corporation, it shall comply with the state board of accounts' approved forms and rules for fiscal accountability and be subject to audit by the state board of accounts.

(b) The following shall apply if an educational service center is attached to a participating school corporation:

- (1) That corporation shall be selected by the governing board at the same time as selections are made for the executive board. The corporation must agree to serve as fiscal agent for the educational service center.
- (2) The superintendent of the selected school corporation shall be a member of the executive board of the educational service center.
- (3) The selected school corporation shall receive, maintain, and disburse all funds of the center in accordance with the laws of Indiana and the organizational agreement (contract). The school corporation shall be responsible for the following:
  - (A) Budget management and accounting.
  - (B) Purchasing supplies and equipment approved by the center's executive board.
  - (C) Entering into contractual agreements approved by the center's executive [sic.] board.

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(D) Billing for services rendered, in accordance with the criteria established by the center's executive board under section 5 of this rule.

(E) Applying for state and federal grants approved by the center's executive board.

(F) Filing documents and assurances required by the state and federal governments.

(G) Contracting for the employment of an executive director, who shall be chosen by the center's executive board.

(H) Contracting for the employment of other personnel approved by the center's executive board.

The actual cost of administering the educational center shall be determined collectively by the executive board of the center and the board of school trustees of the administering school corporations. The mutually agreed upon cost shall be paid to the administering school corporation.

(c) The fiscal and operating year of each educational service center shall be determined by its executive board.

(d) A participating school corporation that does not wish to continue as a member of the center during the succeeding year shall submit written notice of its intent to the executive board by February 1 of the year in which it wishes to terminate membership. A withdrawing corporation shall be liable for its pro rata share of the center's budget, as approved under section 5 of this rule, for the fiscal year in which termination occurs.

(e) An educational service center which has been approved by the state board of education is eligible to receive monies appropriated by the Indiana general assembly as well as any other funds, federal, donated, or from other local sources, as may be available. In addition to any of the above sources, each participating school corporation shall pay a stipulated sum per student, based upon the kindergarten through grade 12 ADM (with kindergarten pupils counted as one-half (1/2) ADM) as reported for tuition support calculation purposes as defined in IC 21-3-1.6-1.1 [*IC 21-3 was repealed by P.L.2-2006, SECTION 199, effective July 1, 2006.*]. The stipulated sum shall be determined under section 5 of this rule. (*Indiana State Board of Education; Rule SC-1, Sec 7; filed Jul 24, 1978, 9:20 a.m.: 1 IR 573; filed Mar 28, 1991, 11:00 a.m.: 14 IR 1625; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937; readopted filed Nov 20, 2007, 11:36 a.m.: 20071219-IR-511070386RFA*) NOTE: Transferred from the Commission on General Education (510 IAC 14-1-7) to the Indiana State Board of Education (511 IAC 4-4-7) by P.L.20-1984, SECTION 206, effective July 1, 1984.

**Rule 5. Extended School Services; Adult Education Classes (Repealed)**

*(Repealed by Indiana State Board of Education; filed Oct 22, 1985, 8:35 am: 9 IR 513)*

**Rule 6. Extended School Services; High School Summer Classes (Repealed)**

*(Repealed by Indiana State Board of Education; filed Dec 2, 1987, 11:15 am: 11 IR 1268)*

**Rule 7. Extended School Services; Elementary Summer School (Repealed)**

*(Repealed by Indiana State Board of Education; filed Dec 2, 1987, 11:15 am: 11 IR 1268)*

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