



January 10, 2014

SENATE BILL No. 90

DIGEST OF SB 90 (Updated January 5, 2013 12:11 pm - DI JHM)

Citations Affected: IC 20-28; IC 20-32; IC 20-43; IC 20-51.

Synopsis: Various education matters. Provides that disaggregated staff performance evaluation results reported to the department of education by a school corporation are not subject to public record requests. Changes criteria under which a student may receive a graduation waiver. Changes from December 1 to October 1 the student count date for special education grants. Changes the state tuition support amount to be used in the calculation of a choice scholarship.

Effective: July 1, 2014.

Kruse

January 7, 2014, read first time and referred to Committee on Rules and Legislative Procedure.
January 9, 2014, amended; reassigned to Committee on Education.

SB 90—LS 6149/DI 13



January 10, 2014

Second Regular Session 118th General Assembly (2014)

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 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

SENATE BILL No. 90

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 20-28-11.5-9, AS AMENDED BY P.L.254-2013,
2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2014]: Sec. 9. (a) Before August 1 of each year, each school
4 corporation shall provide the disaggregated results of staff performance
5 evaluations by teacher identification numbers to the department.
6 **Disaggregated staff performance evaluation results are not subject**
7 **to public record requests under IC 5-14-3.**
8 (b) Before September 1 of each year, the department shall report the
9 results of staff performance evaluations in the aggregate to the state
10 board, and to the public via the department's Internet web site, for:
11 (1) the aggregate of certificated employees of each school and
12 school corporation; and
13 (2) the aggregate of graduates of each teacher preparation
14 program in Indiana.
15 SECTION 2. IC 20-32-4-4, AS AMENDED BY P.L.268-2013,
16 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

SB 90—LS 6149/DI 13



1 JULY 1, 2014]: Sec. 4. A student who does not achieve a passing score
 2 on the graduation examination and who does not meet the requirements
 3 of section 1 of this chapter may be eligible to graduate if the student
 4 does all the following:

5 (1) Takes the graduation examination in each subject area in
 6 which the student did not achieve a passing score at least one (1)
 7 time every school year after the school year in which the student
 8 first takes the graduation examination.

9 (2) Completes remediation opportunities provided to the student
 10 by the student's school.

11 (3) Maintains a school attendance rate of at least ninety-five
 12 percent (95%) with excused absences not counting against the
 13 student's attendance.

14 (4) Maintains at least a "C" average or the equivalent in the
 15 courses comprising the credits specifically required for graduation
 16 by rule of the state board.

17 (5) Otherwise satisfies all state and local graduation requirements.

18 (6) Either:

19 (A) completes:

20 (i) the course and credit requirements for a general diploma,
 21 including the career academic sequence;

22 (ii) a workforce readiness assessment; and

23 (iii) at least one (1) **work based learning experience,**
 24 **cooperative education experience, or** industry certification
 25 that appears on the state board's approved industry
 26 certification list, which must be updated annually with
 27 recommendations from the **department and the** department
 28 of workforce development established by IC 22-4.1-2-1; or

29 (B) obtains a written recommendation from a teacher of the
 30 student in each subject area in which the student has not
 31 achieved a passing score on the graduation examination. The
 32 written recommendation must be aligned with the governing
 33 body's relevant policy and must be concurred in by the
 34 principal of the student's school and be supported by
 35 documentation that the student has attained the academic
 36 standard in the subject area based on:

37 (i) tests other than the graduation examination; or

38 (ii) classroom work.

39 SECTION 3. IC 20-43-7-1, AS AMENDED BY P.L.205-2013,
 40 SECTION 290, IS AMENDED TO READ AS FOLLOWS
 41 [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) In addition to the amount a
 42 school corporation is entitled to receive in basic tuition support, each



1 school corporation is entitled to receive a grant for special education
 2 programs for the state fiscal year. Subject to subsections (b) and (c), the
 3 amount of the special education grant is based on the count of eligible
 4 pupils enrolled in special education programs on ~~December~~ **October**
 5 1 of the preceding state fiscal year in:

- 6 (1) the school corporation; or
 7 (2) a transferee corporation.

8 (b) Before February 1 of each calendar year, the department shall
 9 determine the result of:

- 10 (1) the total amount of the special education grant that would
 11 have been received by the school corporation during the months
 12 of July, August, September, October, November, and December
 13 of the preceding calendar year and January of the current calendar
 14 year if the grant had been based on the count of students with
 15 disabilities that was made on the immediately preceding
 16 December 1; minus
 17 (2) the total amount of the special education grant received by the
 18 school corporation during the months of July, August, September,
 19 October, November, and December of the preceding calendar
 20 year and January of the current calendar year.

21 If the result determined under this subsection is positive, the school
 22 corporation shall receive an additional special education grant
 23 distribution in February equal to the result determined under this
 24 subsection. If the result determined under this subsection is negative,
 25 the special education grant distributions that otherwise would be
 26 received by the school corporation in February, March, April, and May
 27 shall be proportionately reduced so that the total reduction is equal to
 28 the result determined under this subsection.

29 (c) The special education grant distributions made in February,
 30 March, April, May, and June of a calendar year shall be based on the
 31 count of students with disabilities that was made on the immediately
 32 preceding ~~December~~ **October 1**.

33 SECTION 4. IC 20-51-4-4, AS AMENDED BY P.L.205-2013,
 34 SECTION 311, IS AMENDED TO READ AS FOLLOWS
 35 [EFFECTIVE JULY 1, 2014]: Sec. 4. The amount an eligible choice
 36 scholarship student is entitled to receive under this chapter for a school
 37 year is equal to the following:

- 38 (1) The least of the following:
 39 (A) The sum of the tuition, transfer tuition, and fees required
 40 for enrollment or attendance of the eligible choice scholarship
 41 student at the eligible school selected by the eligible choice
 42 scholarship student for a school year that the eligible choice



1 scholarship student (or the parent of the eligible choice
2 scholarship student) would otherwise be obligated to pay to
3 the eligible school.

4 (B) An amount equal to:

5 (i) ninety percent (90%) of the state tuition support amount
6 determined under section 5 of this chapter if the eligible
7 choice scholarship student is a member of a household with
8 an annual income of not more than the amount required for
9 the eligible choice scholarship student to qualify for the
10 federal free or reduced price lunch program; and

11 (ii) fifty percent (50%) of the state tuition support amount
12 determined under section 5 of this chapter if the eligible
13 choice scholarship student is a member of a household with
14 an annual income of, in the case of an individual not
15 described in section 2.5 of this chapter, not more than one
16 hundred fifty percent (150%) of the amount required for the
17 eligible choice scholarship student to qualify for the federal
18 free or reduced price lunch program or, in the case of an
19 individual described in section 2.5 of this chapter, not more
20 than two hundred percent (200%) of the amount required for
21 the eligible choice scholarship student to qualify for the
22 federal free or reduced price lunch program.

23 (C) If the eligible choice scholarship student is enrolled in
24 ~~grade 1 kindergarten~~ through **grade 8**, the maximum choice
25 scholarship that the eligible choice scholarship student may
26 receive for a school year:

27 (i) beginning before July 1, 2013, is four thousand five
28 hundred dollars (\$4,500);

29 (ii) beginning after June 30, 2013, and before July 1, 2014,
30 is four thousand seven hundred dollars (\$4,700); and

31 (iii) beginning after June 30, 2014, is four thousand eight
32 hundred dollars (\$4,800).

33 (2) In addition, if applicable, any amount that a school corporation
34 would receive under IC 20-43-7 for the student if the student
35 attended the school corporation.

36 SECTION 5. IC 20-51-4-5, AS AMENDED BY P.L.211-2013,
37 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38 JULY 1, 2014]: Sec. 5. The **state basic** tuition support amount to be
39 used in section 4(1)(B) of this chapter for an eligible choice scholarship
40 student is the amount **determined under the last STEP of the following**
41 **formula:**

42 **STEP ONE: Determine the school corporation in which the**



1 eligible choice scholarship student has legal settlement.
2 STEP TWO: Determine the amount of state tuition support that
3 the school corporation identified under STEP ONE is eligible to
4 receive under IC 20-43 for the state fiscal year in which the
5 current school year begins; excluding amounts provided for
6 special education grants under IC 20-43-7 and career and
7 technical education grants under IC 20-43-8.
8 STEP THREE: Determine the result of:
9 (A) the STEP TWO amount; divided by
10 (B) the current ADM (as defined in IC 20-43-1-10) for the
11 school corporation identified under STEP ONE for the state
12 fiscal year used in STEP TWO: **specified in IC 20-43-5-4**
13 **STEP ONE for the state fiscal year in which the current**
14 **school year begins.**



COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 90, 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:

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill be reassigned to the Senate Committee on Education.

(Reference is to SB 90 as introduced.)

LONG, Chairperson

