

SENATE BILL No. 199

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-26; IC 20-26.5-2-3.

Synopsis: Rental of curricular materials. Clarifies provisions concerning the rental of curricular materials to students by a governing body of a school corporation. Amends provisions concerning the purchase and rental of curricular materials to include charter school organizers and charter schools. Provides the following: (1) For curricular materials that are computer hardware that will be consumed, accessed, or used by a single student during a semester or school year, a governing body or an organizer of a charter school may rent curricular materials at an annual rental rate of not more than 50% of the price that the governing body or organizer of a charter school paid for the curricular materials. (2) For curricular materials other than computer hardware that will be consumed, accessed, or used by a single student during a semester or school year, the annual rental rate may not be more than 25% of the price the governing body or organizer of a charter school paid for the curricular materials. (3) For all curricular materials, the governing body or organizer of a charter school may not assess a rental fee for curricular materials that have been paid for through rental fees previously collected. (Current law provides that: (1) the annual rental rate for curricular materials may not exceed 25% of the retail price of the curricular materials; and (2) a governing body may not assess a rental fee of more than 25% of the retail price of curricular materials that have been paid for through rental fees previously collected.) Provides that a governing body and an organizer of a charter school may not require a student enrolled in the school corporation or charter school to purchase curricular materials. Removes a reference to "state" adopted curricular materials. Repeals a provision that requires a governing body of a school corporation to rent curricular materials. Makes corrections.

Effective: July 1, 2019.

Bohacek

January 3, 2019, read first time and referred to Committee on Education and Career Development.



First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

SENATE BILL No. 199

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 20-26-12-2, AS AMENDED BY P.L.233-2015,
2 SECTION 151, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) ~~A governing body may~~
4 ~~purchase from a publisher any curricular material selected by the~~
5 ~~proper local officials. The governing body may rent the curricular~~
6 ~~materials to students enrolled in any public or nonpublic school that is:~~
7 ~~(1) in compliance with the minimum certification standards of the~~
8 ~~state board; and~~
9 ~~(2) located within the attendance unit served by the governing~~
10 ~~body.~~
11 **(a) Except as provided in subsection (e) and notwithstanding**
12 **any other law, each governing body and organizer of a charter**
13 **school:**
14 **(1) shall purchase, either individually or through a purchasing**
15 **cooperative of school corporations, charter schools, or both,**
16 **the curricular materials selected by the proper local officials;**
17 **and**



- 1 **(2) may rent the curricular materials to each student enrolled**
 2 **in the school corporation or charter school.**
- 3 **(b) Except as provided under subsection (c), the annual rental rate**
 4 **for curricular materials** may not exceed twenty-five percent (25%)
 5 of the retail price of that the governing body or organizer of a
 6 **charter school paid for** the curricular materials.
- 7 ~~(b) (c) Notwithstanding subsection (a); This subsection applies~~
 8 **only to curricular materials that are computer hardware that will**
 9 **be consumed, accessed, or used by a single student during a**
 10 **semester or school year. A governing body or an organizer of a**
 11 **charter school may rent curricular materials at an annual rental**
 12 **rate of not more than fifty percent (50%) of the price that the**
 13 **governing body or organizer of a charter school paid for the**
 14 **curricular materials.**
- 15 **(d) The governing body or organizer of a charter school** may not
 16 assess a rental fee of more than twenty-five percent (25%) of the retail
 17 price of for curricular materials that have been
- 18 (1) extended for usage by students under section 24(e) of this
 19 chapter; and
- 20 (2) paid for through rental fees previously collected.
- 21 ~~(e) This section does not limit other laws.~~
- 22 **(e) Subsection (a) does not prohibit a governing body from**
 23 **suspending the operation of subsection (a) under a contract entered**
 24 **into under IC 20-26-15.**
- 25 SECTION 2. IC 20-26-12-2.5 IS ADDED TO THE INDIANA
 26 CODE AS A NEW SECTION TO READ AS FOLLOWS
 27 [EFFECTIVE JULY 1, 2019]: **Sec. 2.5. A governing body and an**
 28 **organizer of a charter school may not require a student enrolled in**
 29 **the school corporation or charter school to purchase curricular**
 30 **materials.**
- 31 SECTION 3. IC 20-26-12-24, AS AMENDED BY P.L.233-2015,
 32 SECTION 173, IS AMENDED TO READ AS FOLLOWS
 33 [EFFECTIVE JULY 1, 2019]: Sec. 24. (a) The superintendent shall
 34 establish procedures for adoption of curricular materials.
- 35 (b) The governing body, upon receiving these recommendations
 36 from the superintendent, shall adopt curricular materials for use in
 37 teaching each subject in the school corporation.
- 38 (c) A special committee of teachers and parents may also be
 39 appointed to review books, magazines, and audiovisual material used
 40 or proposed for use in the classroom to supplement state adopted
 41 curricular materials and may make recommendations to the
 42 superintendent and the governing body concerning the use of these



1 materials.

2 (d) The governing body may, if the governing body considers it
3 appropriate, retain curricular materials adopted under this section and
4 authorize the purchase of supplemental materials to ensure continued
5 alignment with academic standards adopted by the state board.

6 (e) The superintendent, advisory committee, and governing body
7 may consider using the list of curricular materials provided by the
8 department under IC 20-20-5.5.

9 (f) A governing body may not purchase curricular materials from a
10 publisher unless the publisher agrees, in accordance with Sections
11 612(a)(23)(A) and 674(e)(4) of the Individuals with Disabilities
12 Education Improvement Act 2004 (20 U.S.C. 1400 et seq.), to provide
13 or grant a license to the school corporation to allow for the
14 reproduction of adopted curricular materials in:

- 15 (1) large type;
16 (2) Braille; and
17 (3) audio format.

18 SECTION 4. IC 20-26-15-5, AS AMENDED BY P.L.140-2018,
19 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20 JULY 1, 2019]: Sec. 5. Notwithstanding any other law, the operation
21 of the following is suspended for a freeway school corporation or a
22 freeway school if the governing body of the school corporation elects
23 to have the specific statute or rule suspended in the contract:

24 (1) The following statutes and rules concerning curriculum and
25 instructional time:

- 26 IC 20-30-2-7
27 IC 20-30-5-8
28 IC 20-30-5-9
29 IC 20-30-5-11
30 511 IAC 6-7-6
31 511 IAC 6.1-5-0.5
32 511 IAC 6.1-5-1
33 511 IAC 6.1-5-2.5
34 511 IAC 6.1-5-3.5
35 511 IAC 6.1-5-4.

36 (2) The following rule concerning pupil/teacher ratios:

- 37 511 IAC 6.1-4-1.

38 (3) The following statutes and rules concerning curricular
39 materials:

- 40 IC 20-26-12-24
41 IC 20-26-12-26
42 ~~IC 20-26-12-1~~



- 1 IC 20-26-12-2
 2 511 IAC 6.1-5-5.
 3 (4) 511 IAC 6-7, concerning graduation requirements.
 4 (5) IC 20-31-4, concerning the performance based accreditation
 5 system.
 6 (6) IC 20-32-5 (before its expiration on July 1, 2018), concerning
 7 the ISTEP program established under IC 20-32-5-15, if an
 8 alternative locally adopted assessment program is adopted under
 9 section 6(4) of this chapter.
- 10 SECTION 5. IC 20-26.5-2-3, AS ADDED BY P.L.190-2018,
 11 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2019]: Sec. 3. (a) Notwithstanding any other law, the
 13 following may be suspended for a coalition member in accordance with
 14 the coalition's plan:
- 15 (1) Subject to section 1(c) of this chapter, IC 20-30, concerning
 16 curriculum.
 17 (2) The following statutes and rules concerning curricular
 18 materials:
 19 ~~IC 20-26-12-1.~~
 20 IC 20-26-12-2.
 21 IC 20-26-12-24.
 22 IC 20-26-12-26.
 23 511 IAC 6.1-5-5.
 24 (3) The following rules concerning teacher licenses:
 25 511 IAC 16.
 26 511 IAC 17.
 27 (4) IC 20-31-4, concerning the performance based accreditation
 28 system.
 29 (5) Except as provided in subsection (b), any other statute in
 30 IC 20 or rule in 511 IAC requested to be suspended as part of the
 31 plan that is approved by the state board under section 1 of this
 32 chapter.
- 33 (b) A coalition member may not suspend under subsection (a)(5)
 34 any of the following:
 35 (1) IC 20-26-5-10 (criminal history and child protection index
 36 check).
 37 (2) IC 20-28 (school teachers).
 38 (3) IC 20-29 (collective bargaining).
 39 (4) IC 20-31 (accountability for performance and improvement),
 40 except for IC 20-31-4.
 41 (5) Subject to subsection (c), IC 20-32-4 (graduation
 42 requirements).



- 1 (6) IC 20-32-5.1 (Indiana's Learning Evaluation Assessment
2 Readiness Network (ILEARN) program).
3 (7) IC 20-33 (students).
4 (8) IC 20-34 (student health and safety measures).
5 (9) IC 20-35 (special education).
6 (10) IC 20-36 (high ability students).
7 (11) IC 20-39 (accounting and financial reporting procedures).
8 (12) IC 20-40 (government funds and accounts).
9 (13) IC 20-41 (extracurricular funds and accounts).
10 (14) IC 20-42 (fiduciary funds and accounts).
11 (15) IC 20-42.5 (allocation of expenditures to student instruction
12 and learning).
13 (16) IC 20-43 (state tuition support).
14 (17) IC 20-44 (property tax levies).
15 (18) IC 20-46 (levies other than general fund levies).
16 (19) IC 20-47 (related entities; holding companies; lease
17 agreements).
18 (20) IC 20-48 (borrowing and bonds).
19 (21) IC 20-49 (state management of common school funds; state
20 advances and loans).
21 (22) IC 20-50 (homeless children and foster care children).
22 (c) A coalition member must comply with the postsecondary
23 readiness competency requirements under IC 20-32-4-1.5(b)(1).
24 However, a coalition member may establish flexible course
25 requirements pursuant to the coalition's plan that are not aligned with
26 the course and credit requirements adopted by the state board under
27 IC 20-30-10. If the coalition member school offers courses that are not
28 aligned with requirements adopted by the state board under
29 IC 20-30-10, a parent of a student and the student who intends to enroll
30 in a course that is not aligned with requirements adopted by the state
31 board under IC 20-30-10 must provide consent to the coalition member
32 school to enroll in the course. The consent form used by the coalition,
33 which shall be developed in collaboration with the commission for
34 higher education, must notify the parent and the student that enrollment
35 in the course may affect the student's ability to attend a particular
36 postsecondary educational institution or enroll in a particular course at
37 a particular postsecondary educational institution because the course
38 does not align with requirements established by the state board under
39 IC 20-30-10.

