

## SENATE BILL No. 389

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 20-20-41; IC 20-24-8-2; IC 20-26-5-1; IC 20-43-4.

**Synopsis:** Preschool education. Requires public schools, including charter schools, to offer a preschool education program, or to contract with a provider to provide a preschool education program, for children who are at least four years of age but less than five years of age. Provides for minimum public preschool education program requirements. Requires the department of education to establish additional standards, requirements, and guidelines for a public preschool education program. Requires that a private provider's program must meet the standards of quality recognized by a Level 3 or Level 4 Paths to QUALITY program rating. Provides, for purposes of the state tuition support formula, an additional one-half pupil to the ADM count for any child who is enrolled in an approved preschool education program.

**Effective:** July 1, 2014.

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January 14, 2014, read first time and referred to Committee on Education and Career Development.

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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. 389

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 20-20-41 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2014]:

4 **Chapter 41. Preschool Education Programs**

5 **Sec. 1. As used in this chapter, "public school" means a school**  
6 **corporation or a charter school.**

7 **Sec. 2. (a) Each public school shall conduct a preschool**  
8 **education program during the school year for any child who is at**  
9 **least four (4) years of age and less than five (5) years of age on the**  
10 **date in the school year specified in IC 20-33-2-7.**

11 **(b) Tuition and fees may not be charged for a child's**  
12 **participation in a preschool education program offered by a public**  
13 **school under this chapter.**

14 **(c) A public school shall submit the information required by the**  
15 **department to obtain the department's approval of the public**  
16 **school's proposed preschool education program.**



1           **Sec. 3. (a) The department shall establish standards,**  
 2 **requirements, and guidelines for approval of a public school's**  
 3 **proposed preschool education program that must provide for at**  
 4 **least the following:**

5           **(1) General requirements that a public school must meet, such**  
 6 **as facility standards.**

7           **(2) Academic, health, and physical fitness program standards.**

8           **(3) Appropriate preschool education curricula.**

9           **(4) Preschool education teacher requirements.**

10           **(5) An assessment of each participating child's readiness for**  
 11 **kindergarten.**

12           **(6) An end of school year evaluation of each approved**  
 13 **preschool education program.**

14           **(b) The department may establish standards, requirements, and**  
 15 **guidelines in addition to those specified in this section.**

16           **Sec. 4. The department shall provide support to public schools**  
 17 **in the development and implementation of preschool education**  
 18 **programs under this chapter.**

19           **Sec. 5. (a) The department shall consider each public school's**  
 20 **application under this chapter and determine whether to approve**  
 21 **the public school's preschool education program.**

22           **(b) A public school whose program is approved under this**  
 23 **chapter must provide to the department the following:**

24           **(1) The results of the assessment of each participating child's**  
 25 **readiness for kindergarten.**

26           **(2) Any other information required by the department.**

27           **(c) If the department does not approve the public school's**  
 28 **program, the public school shall revise the program in the manner**  
 29 **required by the department for the department's approval of the**  
 30 **program.**

31           **Sec. 6. A public school that determines there is inadequate space**  
 32 **to offer a preschool education program under this chapter in the**  
 33 **public school's existing facilities may:**

34           **(1) offer the program in any suitable space located:**

35           **(A) within the geographic boundaries of the school**  
 36 **corporation; or**

37           **(B) in the case of a charter school, in the general vicinity of**  
 38 **the charter school's existing facilities; or**

39           **(2) enter into a contract with a provider located within the**  
 40 **geographic boundaries of the school corporation if the**  
 41 **provider of the services participates in the early education**  
 42 **evaluation program established under IC 12-17.2-3.7 and**



- 1           **meets the standards of quality recognized by a Level 3 or**  
 2           **Level 4 Paths to QUALITY program rating.**  
 3           SECTION 2. IC 20-24-8-2, AS ADDED BY P.L.169-2005,  
 4           SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 5           JULY 1, 2014]: Sec. 2. (a) A charter school may not do the following:  
 6           (1) Operate at a site or for grades other than as specified in the  
 7           charter.  
 8           (2) Charge tuition to any student residing within the school  
 9           corporation's geographic boundaries. However, a charter school  
 10          may charge tuition for:  
 11          (A) a preschool program, unless:  
 12                (i) charging tuition for the preschool program is barred  
 13                under federal law; **or**  
 14                (ii) **the preschool program is a preschool education**  
 15                **program that is approved by the department under**  
 16                **IC 20-20-41;** or  
 17          (B) a latch key program;  
 18          if the charter school provides those programs.  
 19          (3) Except for a foreign exchange student who is not a United  
 20          States citizen, enroll a student who is not a resident of Indiana.  
 21          (4) Be located in a private residence.  
 22          (5) Provide solely home based instruction.  
 23          (b) A charter school is not prohibited from delivering instructional  
 24          services:  
 25                (1) through the Internet or another online arrangement; or  
 26                (2) in any manner by computer;  
 27          if the instructional services are provided to students enrolled in the  
 28          charter school in a manner that complies with any procedures adopted  
 29          by the department concerning online and computer instruction in public  
 30          schools.  
 31          SECTION 3. IC 20-26-5-1, AS ADDED BY P.L.1-2005, SECTION  
 32          10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
 33          2014]: Sec. 1. (a) A school corporation shall:  
 34                (1) conduct an educational program for all children who reside  
 35                within the school corporation in kindergarten and in grades 1  
 36                through 12; ~~and~~  
 37                (2) provide each preschool child with a disability with an  
 38                appropriate special education as required under IC 20-35-4-9 only  
 39                if the general assembly appropriates state funds for preschool  
 40                special education; **and**  
 41                (3) **conduct a preschool program that satisfies the**  
 42                **requirements set forth in IC 20-20-41 for all children who**



- 1           **reside within the school corporation.**
- 2           (b) A school corporation may:
- 3           (1) conduct an educational program for adults and children at
- 4           least fourteen (14) years of age who do not attend a program
- 5           described in subsection (a);
- 6           (2) provide instruction in vocational, industrial, or manual
- 7           training;
- 8           (3) provide libraries for the schools of the school corporation;
- 9           (4) provide public libraries open and free for the use and benefit
- 10          of the residents and taxpayers of the school corporation where
- 11          permitted by law;
- 12          (5) provide vacation school and recreational programs;
- 13          (6) conduct other educational or other activities as are permitted
- 14          or required to be performed by law by any school corporation; and
- 15          (7) provide a school age child care program that operates during
- 16          periods when school is in session for students who are enrolled in
- 17          a half-day kindergarten program.
- 18          (c) A school corporation shall develop a written policy that provides
- 19          for:
- 20               (1) the implementation of a school age child care program for
- 21               children who attend kindergarten through grade 6 that, at a
- 22               minimum, operates after the school day and may include periods
- 23               before school is in session or periods when school is not
- 24               otherwise in session (commonly referred to as a latch key
- 25               program) and is offered by the school corporation; or
- 26               (2) the availability of the school corporation's buildings or parts
- 27               of the school corporation's buildings to conduct the type of
- 28               program described in subdivision (1) by a nonprofit organization
- 29               or a for-profit organization.
- 30          (d) The written policy required under subsection (c) must address
- 31          compliance with certain standards of reasonable care for children
- 32          served by a child care program offered under subsection (c), including:
- 33               (1) requiring the offering entity to acquire a particular amount of
- 34               liability insurance; and
- 35               (2) establishing maximum adult to child ratios governing the
- 36               overall supervision of the children served.
- 37          If a school corporation implements a child care program as described
- 38          in subsection (c)(1) or enters into a contract with an entity described in
- 39          subsection (c)(2) to provide a child care program, the school
- 40          corporation may not assess a fee for the use of the building, and the
- 41          contract between the school corporation and the entity providing the
- 42          program must be in writing. However, the school corporation may



1 assess a fee to reimburse the school corporation for providing security,  
 2 maintenance, utilities, school personnel, or other costs directly  
 3 attributable to the use of the building for the program. In addition, if a  
 4 school corporation offers a child care program as described in  
 5 subsection (c)(1), the school corporation may assess a fee to cover  
 6 costs attributable to implementing the program.

7 (e) The powers under this section are purposes as well as powers.

8 SECTION 4. IC 20-43-4-1, AS AMENDED BY P.L.146-2008,  
 9 SECTION 487, IS AMENDED TO READ AS FOLLOWS  
 10 [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) An individual is an eligible  
 11 pupil if the individual is a pupil enrolled in a school corporation and:

12 (1) the school corporation has the responsibility to educate the  
 13 pupil in its public schools without the payment of tuition;

14 (2) subject to subdivision (5), the school corporation has the  
 15 responsibility to pay transfer tuition under IC 20-26-11 because  
 16 the pupil is:

17 (A) transferred for education to another school corporation; or

18 (B) placed in an out-of-state institution or facility by or with  
 19 the consent of the department of child services;

20 (3) the pupil is enrolled in a school corporation as a transfer  
 21 student under IC 20-26-11-6 or entitled to be counted for ADM  
 22 purposes as a resident of the school corporation when attending  
 23 its schools under any other applicable law or regulation;

24 (4) the state is responsible for the payment of transfer tuition to  
 25 the school corporation for the pupil under IC 20-26-11; ~~or~~

26 (5) all of the following apply:

27 (A) The school corporation is a transferee corporation.

28 (B) The pupil does not qualify as a qualified pupil in the  
 29 transferee corporation under subdivision (3) or (4).

30 (C) The transferee corporation's attendance area includes a  
 31 state licensed private or public health care facility or child care  
 32 facility where the pupil was placed:

33 (i) by or with the consent of the department of child  
 34 services;

35 (ii) by a court order;

36 (iii) by a child placing agency licensed by the department of  
 37 child services;

38 (iv) by a parent or guardian under IC 20-26-11-8; or

39 (v) by or with the consent of the department under  
 40 IC 20-35-6-2; **or**

41 **(6) the pupil is enrolled in a preschool education program that**  
 42 **is approved by the department under IC 20-20-41.**



1 (b) For purposes of a career and technical education grant, an  
2 eligible pupil includes a student enrolled in a charter school.

3 SECTION 5. IC 20-43-4-5, AS ADDED BY P.L.2-2006, SECTION  
4 166, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY  
5 1, 2014]: Sec. 5. (a) In determining ADM, each kindergarten pupil  
6 shall be counted as one-half (1/2) pupil. If a school corporation  
7 commences kindergarten in a school year, the ADM of the current and  
8 prior calendar years shall be adjusted to reflect the enrollment of the  
9 kindergarten pupils.

10 (b) **In determining ADM, each preschool pupil enrolled in a**  
11 **preschool education program that is approved by the department**  
12 **under IC 20-20-41 shall be counted as one-half (1/2) pupil. If a**  
13 **school corporation commences a preschool education program in**  
14 **a school year, the ADM of the current and prior calendar years**  
15 **shall be adjusted to reflect the enrollment of the preschool pupils.**

