



Reprinted  
February 22, 2002

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## ENGROSSED SENATE BILL No. 292

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DIGEST OF SB 292 (Updated February 21, 2002 2:23 PM - DI 71)

**Citations Affected:** IC 20-1; IC 20-6.1; IC 20-8.1; IC 20-10.1; IC 20-10.2.

**Synopsis:** High ability students, student tracking, and teacher compensation. Requires: (1) the education roundtable to include a representative of education programs for exceptional learners (children with disabilities and high ability students); (2) the department of education to provide grants to school corporations to carry out plans for high ability students who meet certain criteria; and (3) a school corporation's strategic and continuous school improvement plan to address the needs of all students, including exceptional learners. Requires a school corporation to review its programs to determine whether certain practices have the effect of systematically separating students by race, color, creed, national origin, or socioeconomic class. Provides a method to allow school corporations to count the number of course credit hours attributable to individual teachers for purposes of determining teachers' salaries, compensation, and other benefits.

**Effective:** July 1, 2002.

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**Rogers, Lubbers, Breaux, Landske,  
Hershman, Kenley**  
(HOUSE SPONSOR — PORTER)

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January 7, 2002, read first time and referred to Committee on Education.  
January 17, 2002, amended, reported favorably — Do Pass.  
January 22, 2002, read second time, ordered engrossed.  
January 23, 2002, engrossed.  
January 24, 2002, read third time, passed. Yeas 49, nays 0.

HOUSE ACTION

February 5, 2002, read first time and referred to Committee on Education.  
February 14, 2002, amended, reported — Do Pass.  
February 21, 2002, read second time, amended, ordered engrossed.

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ES 292—LS 7037/DI 71+



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February 22, 2002

Second Regular Session 112th General Assembly (2002)

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 2001 General Assembly.

## ENGROSSED SENATE BILL No. 292

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 20-1-20.5-4, AS ADDED BY P.L.146-1999,  
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2002]: Sec. 4. The roundtable consists of the following  
4 members:  
5 (1) A number of members appointed jointly by the governor and  
6 the superintendent of public instruction. These members must be  
7 representatives of:  
8 (A) business and community leaders;  
9 (B) elementary and secondary education, including ~~special~~  
10 ~~education~~; **programs for exceptional learners (as defined in**  
11 **IC 20-10.2-2-5.5)**; and  
12 (C) higher education.  
13 The number of members appointed under clause (A) must be  
14 equal to the number of members appointed under clauses (B) and  
15 (C).  
16 (2) Two (2) members appointed by the president pro tempore of  
17 the senate from different political parties.

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(3) Two (2) members appointed by the speaker of the house of representatives from different political parties.

SECTION 2. IC 20-6.1-5-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 2.5. (a) For school corporations where teachers' salaries, compensation, and other benefits are determined under a contract reached through collective bargaining under IC 20-7.5, this section applies to teachers' salaries, compensation, and other benefits under collective bargaining contracts that are executed and take effect after June 30, 2002.**

**(b) As used in this section, "approved academic credit" refers to academic credit in courses approved by the board.**

**(c) For purposes of determining teachers' salaries, compensation, and other benefits, the following apply:**

**(1) A school corporation shall count in the number of credit hours attributable to an individual teacher all hours of approved academic credit that the teacher earns beyond an undergraduate degree.**

**(2) A school corporation may elect to count in the number of credit hours attributable to an individual teacher any credit hours that the teacher earns beyond an undergraduate degree that are not approved academic credit.**

**(3) A school corporation shall recognize as equivalent:**

**(A) a teacher who earns a master's degree; and**

**(B) a teacher who earns an amount of approved academic credit that:**

**(i) is determined through collective bargaining under IC 20-7.5; and**

**(ii) does not exceed thirty-six (36) hours.**

**(d) Compensation for continuing education or professional development activities that are required in order to obtain or retain a teaching license shall be determined in accordance with IC 20-7.5. This section does not limit the rights of the school employer or the exclusive representative to mutually establish under IC 20-7.5 compensation for continuing education or professional development activities that are in addition to requirements to obtain or retain a teaching license.**

SECTION 3. IC 20-8.1-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 3. Segregation Prohibited, Generally: (a) Neither the governing body of any school corporation nor the board of trustees of any college or university shall build or erect, establish, maintain, continue or permit any segregated**

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1 or separate public kindergartens, public schools or districts, public  
 2 school departments or divisions, or colleges or universities on the basis  
 3 of race, color, creed or national origin of pupils or students. These  
 4 officials may take any affirmative actions that are reasonable, feasible,  
 5 and practical to effect greater integration and to reduce or prevent  
 6 segregation or separation of races in public schools for whatever cause.  
 7 These actions may include, but are not limited to, site selection,  
 8 revision of school districts, curricula, or enrollment policies to  
 9 implement equalization of educational opportunity for all.

10 **(b) A school corporation shall review the school corporation's**  
 11 **programs to determine if the school corporation's practices of:**

- 12 **(1) separating students by ability;**  
 13 **(2) placing students into educational tracks; or**  
 14 **(3) using test results to screen students;**

15 **have the effect of systematically separating students by race, color,**  
 16 **creed, national origin, or socioeconomic class.**

17 SECTION 4. IC 20-10.1-5.1-3 IS AMENDED TO READ AS  
 18 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 3. **(a)** The department  
 19 shall establish a state resources program using existing state resources  
 20 that:

- 21 (1) supports school corporations in the development of local  
 22 programs for high ability students;  
 23 (2) enables educational opportunities that encourage high ability  
 24 students to reach the highest possible level at every stage of the  
 25 students' development; and  
 26 (3) provides state integrated services that include, but are not  
 27 limited to, the following:  
 28 (A) Information and materials resource centers.  
 29 (B) Professional development plan and programs.  
 30 (C) Research and development services.  
 31 (D) Technical assistance that includes the following:  
 32 (i) Student assessment.  
 33 (ii) Program assessment.  
 34 (iii) Program development and implementation.  
 35 **(E) Support for educators pursuing professional**  
 36 **development leading to endorsement or licensure in gifted**  
 37 **and talent education.**

38 **(b) In addition to the program established under subsection (a),**  
 39 **the department shall use appropriations to provide grants to school**  
 40 **corporations for programs for high ability students if the school**  
 41 **corporation's plan under section 4 of this chapter meets the**  
 42 **following criteria:**

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1           **(1) The plan provides for multiple means of identifying high**  
 2           **ability students, including procedures for students who may**  
 3           **not be identified through traditional means because of**  
 4           **economic disadvantage, cultural background,**  
 5           **underachievement, or disabilities.**

6           **(2) The plan sets forth appropriate education experiences in**  
 7           **core curriculum areas for high ability students in**  
 8           **kindergarten through grade 12.**

9           **(3) The plan aligns with the strategic and continuous school**  
 10           **improvement and achievement plans under IC 20-10.2-3-3 for**  
 11           **the schools within the school corporation.**

12           SECTION 5. IC 20-10.2-2-5.5 IS ADDED TO THE INDIANA  
 13           CODE AS A NEW SECTION TO READ AS FOLLOWS  
 14           [EFFECTIVE JULY 1, 2002]: **Sec. 5.5. "Exceptional learner" refers**  
 15           **to the following:**

16           **(1) A child with a disability (as defined in IC 20-1-6-1).**

17           **(2) A high ability student (as defined in IC 20-10.1-5.1-2).**

18           SECTION 6. IC 20-10.2-3-3, AS ADDED BY P.L.221-1999,  
 19           SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 20           JULY 1, 2002]: Sec. 3. (a) A plan:

21           (1) shall lay out objectives for a three (3) year period; and

22           (2) must be annually reviewed and revised to accomplish the  
 23           achievement objectives of the school.

24           (b) A plan must establish objectives for the school to achieve. These  
 25           achievement objectives must be consistent with academic standards  
 26           and include improvement in at least the following areas:

27           (1) Attendance rate.

28           (2) The percentage of students meeting academic standards under  
 29           the ISTEP program (IC 20-10.1-16).

30           (3) For a secondary school, graduation rate.

31           **(c) A plan must address the learning needs of all students,**  
 32           **including programs and services for exceptional learners.**

33           **(d) A plan must specify how and to what extent the school expects**  
 34           **to make continuous improvement in all areas of the education system**  
 35           **where results are measured by setting benchmarks for progress on an**  
 36           **individual school basis.**

37           ~~(d)~~ **(e) A plan must note specific areas where improvement is**  
 38           **needed immediately.**

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SENATE MOTION

Mr. President: I move that Senator Rogers be added as second author of Senate Bill 292.

LUBBERS

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SENATE MOTION

Mr. President: I move that Senator Rogers be removed as second author of Senate Bill 292.

ROGERS

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SENATE MOTION

Mr. President: I move that Senator Lubbers be removed as author of Senate Bill 292 and that Senator Rogers be substituted therefor.

LUBBERS

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SENATE MOTION

Mr. President: I move that Senator Lubbers be added as second author of Senate Bill 292.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Education, to which was referred Senate Bill No. 292, 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:

Page 2, line 22, after "to" insert "**endorsement or**".

and when so amended that said bill do pass.

(Reference is to SB 292 as introduced.)

LUBBERS, Chairperson

Committee Vote: Yeas 8, Nays 0.

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SENATE MOTION

Mr. President: I move that Senator Hershman be added as coauthor of Senate Bill 292.

ROGERS

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SENATE MOTION

Mr. President: I move that Senator Kenley be added as coauthor of Senate Bill 292.

ROGERS

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Senate Bill 292, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, between lines 2 and 3, begin a new paragraph and insert:

"SECTION 2. IC 20-8.1-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 3. ~~Segregation Prohibited, Generally.~~ (a) Neither the governing body of any school corporation nor the board of trustees of any college or university shall build or erect, establish, maintain, continue or permit any segregated or separate public kindergartens, public schools or districts, public school departments or divisions, or colleges or universities on the basis of race, color, creed or national origin of pupils or students. These officials may take any affirmative actions that are reasonable, feasible, and practical to effect greater integration and to reduce or prevent segregation or separation of races in public schools for whatever cause. These actions may include, but are not limited to, site selection, revision of school districts, curricula, or enrollment policies to implement equalization of educational opportunity for all.

**(b) A school corporation shall review the school corporation's programs to determine if the school corporation's practices of:**

- (1) separating students by ability;**
- (2) placing students into educational tracks; or**
- (3) using test results to screen students;**

**have the effect of systematically separating students by race, color, creed, national origin, or socioeconomic class."**

Page 2, line 24, delete "programs provided" and insert "**program established**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 292 as printed January 18, 2002.)

PORTER, Chair

Committee Vote: yeas 10, nays 0.

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## HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 292 be amended to read as follows:

Page 2, between lines 2 and 3, begin a new paragraph and insert:

"SECTION 2. IC 20-6.1-5-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 2.5. (a) For school corporations where teachers' salaries, compensation, and other benefits are determined under a contract reached through collective bargaining under IC 20-7.5, this section applies to teachers' salaries, compensation, and other benefits under collective bargaining contracts that are executed and take effect after June 30, 2002.**

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Renumber all SECTIONS consecutively.

(Reference is to ESB 292 as printed February 15, 2002.)

THOMPSON



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