



March 22, 2005

ENGROSSED
SENATE BILL No. 301

DIGEST OF SB 301 (Updated March 21, 2005 12:00 pm - DI 109)

Citations Affected: IC 20-1.

Synopsis: Cheerleading safety. Requires the state board of education to develop standards and guidelines concerning cheerleading safety in schools.

Effective: July 1, 2005.

Clark, Skinner, Miller, Rogers

(HOUSE SPONSORS — HINKLE, HOFFMAN, BECKER, WHETSTONE)

January 6, 2005, read first time and referred to Committee on Education and Career Development.

February 3, 2005, reported favorably — Do Pass.

February 7, 2005, read second time, ordered engrossed.

February 8, 2005, engrossed. Read third time, passed. Yeas 46, nays 3.

HOUSE ACTION

March 7, 2005, read first time and referred to Committee on Education.

March 21, 2005, reported — Do Pass.

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ES 301—LS 7135/DI 109+



March 22, 2005

First Regular Session 114th General Assembly (2005)

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 2004 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 301

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 20-1-1-6 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) In addition to any other
3 powers and duties prescribed by law, the Indiana state board of
4 education shall adopt rules under IC 4-22-2 concerning but not limited
5 to the following matters:
6 (1) The designation and employment of the employees and
7 consultants necessary for the department. The board shall fix the
8 compensation of employees of the department, subject to the
9 approval of the budget committee and the governor as provided
10 for by IC 4-12-2.
11 (2) The establishment and maintenance of standards and
12 guidelines, other than building, space, and site requirements, for
13 media centers, libraries, instructional materials centers, or any
14 other area or system of areas in the school where a full range of
15 information sources, associated equipment, and services from
16 professional media staff are accessible to the school community.
17 With regard to library automation systems, the state board may

ES 301—LS 7135/DI 109+



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1 only adopt rules that meet the standards established by the state
 2 library board for library automation systems under
 3 IC 4-23-7.1-11(b).
 4 (3) The establishment and maintenance of standards for pupil
 5 personnel and guidance services.
 6 (4) The establishment and maintenance of minimum standards for
 7 driver education programs (including classroom instruction and
 8 practice driving) and equipment. ~~Beginning with classroom~~
 9 ~~instruction for the 1993-1994 school year~~, Classroom instruction
 10 standards established under this subdivision must include
 11 instruction about:
 12 (A) railroad-highway grade crossing safety; and
 13 (B) the procedure for participation in the human organ donor
 14 program.
 15 (5) The inspection of all public schools of the state for the
 16 purpose of determining the condition of the schools. The board
 17 shall establish standards governing the accreditation of public
 18 schools. Observance of:
 19 (A) IC 20-1-1.2;
 20 (B) IC 20-6.1-3-2;
 21 (C) IC 20-6.1-4-4 through IC 20-6.1-4-8;
 22 (D) IC 20-6.1-5-4;
 23 (E) IC 20-6.1-5-5;
 24 (F) IC 20-6.1-9; and
 25 (G) IC 20-10.1-16 and IC 20-10.1-17;
 26 is a prerequisite to the accreditation of a school. It shall be the
 27 duty of local public school officials to make such reports as shall
 28 be required of them and to otherwise cooperate with the board
 29 regarding required inspections. Nonpublic schools may also
 30 request the inspection for classification purposes should they
 31 desire it. Compliance with the building and site guidelines
 32 adopted by the Indiana state board of education is not a
 33 prerequisite of accreditation.
 34 (6) Subject to subsections (b) and (c), the adoption and approval
 35 of textbooks under IC 20-10.1-9.
 36 (7) The distribution of funds and revenues appropriated for the
 37 support of schools in the state.
 38 (8) The board may not establish an accreditation system for
 39 nonpublic schools that is less stringent than the accreditation
 40 system for public schools.
 41 (9) A separate system for recognizing nonpublic schools under
 42 IC 20-1-1-6.2. Recognition of nonpublic schools under this

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1 subdivision constitutes the system of regulatory standards that
2 apply to nonpublic schools that seek to qualify for the system of
3 recognition.

4 **(10) The establishment and enforcement of standards and**
5 **guidelines concerning the safety of students participating in**
6 **cheerleading activities.**

7 (b) The advisory committee on textbook adoption may initiate rules
8 and hold public hearings under IC 4-22-2 on rules concerning the
9 adoption of textbooks. The advisory committee shall send a proposed
10 rule on which public hearings have been held to the board. The board
11 may adopt or reject a rule initiated by the advisory committee. If the
12 advisory committee holds hearings on a proposed rule, the board is not
13 required to hold hearings.

14 (c) Every rule initiated by the board concerning textbook adoption
15 shall be sent to the advisory committee on textbook adoption. Upon
16 receipt of a rule initiated by the board, an advisory committee may hold
17 public hearings on the rule. Whenever an advisory committee holds a
18 public hearing on a rule initiated by the board, it shall send the
19 proposed rule and a recommendation to the board within ninety (90)
20 days after it receives the rule from the board. If the advisory committee
21 fails to hold a hearing or to return the proposed rule with a
22 recommendation to the board within the ninety (90) day period, the
23 board may hold public hearings on the proposed rule and proceed
24 under IC 4-22-2 or may discontinue the proceedings. Whenever the
25 advisory committee holds hearings on a proposed rule, the board is not
26 required to do so.

27 (d) Before final adoption of any rule, the board shall make a finding
28 on the estimated fiscal impact that the rule will have on local school
29 corporations.

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SENATE MOTION

Madam President: I move that Senator Skinner be added as second author and Senators Miller and Rogers be added as coauthors of Senate Bill 301.

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COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill No. 301, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 301 as introduced.)

LUBBERS, Chairperson

Committee Vote: Yeas 10, Nays 0.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Senate Bill 301, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

BEHNING, Chair

Committee Vote: yeas 8, nays 0.

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