

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.

SENATE ENROLLED ACT No. 301

AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 20-1-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) In addition to any other powers and duties prescribed by law, the Indiana state board of education shall adopt rules under IC 4-22-2 concerning but not limited to the following matters:

- (1) The designation and employment of the employees and consultants necessary for the department. The board shall fix the compensation of employees of the department, subject to the approval of the budget committee and the governor as provided for by IC 4-12-2.
- (2) The establishment and maintenance of standards and guidelines, other than building, space, and site requirements, for media centers, libraries, instructional materials centers, or any other area or system of areas in the school where a full range of information sources, associated equipment, and services from professional media staff are accessible to the school community. With regard to library automation systems, the state board may only adopt rules that meet the standards established by the state library board for library automation systems under IC 4-23-7.1-11(b).
- (3) The establishment and maintenance of standards for pupil personnel and guidance services.
- (4) The establishment and maintenance of minimum standards for

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driver education programs (including classroom instruction and practice driving) and equipment. ~~Beginning with classroom instruction for the 1993-1994 school year,~~ Classroom instruction standards established under this subdivision must include instruction about:

- (A) railroad-highway grade crossing safety; and
- (B) the procedure for participation in the human organ donor program.

(5) The inspection of all public schools of the state for the purpose of determining the condition of the schools. The board shall establish standards governing the accreditation of public schools. Observance of:

- (A) IC 20-1-1.2;
- (B) IC 20-6.1-3-2;
- (C) IC 20-6.1-4-4 through IC 20-6.1-4-8;
- (D) IC 20-6.1-5-4;
- (E) IC 20-6.1-5-5;
- (F) IC 20-6.1-9; and
- (G) IC 20-10.1-16 and IC 20-10.1-17;

is a prerequisite to the accreditation of a school. It shall be the duty of local public school officials to make such reports as shall be required of them and to otherwise cooperate with the board regarding required inspections. Nonpublic schools may also request the inspection for classification purposes should they desire it. Compliance with the building and site guidelines adopted by the Indiana state board of education is not a prerequisite of accreditation.

(6) Subject to subsections (b) and (c), the adoption and approval of textbooks under IC 20-10.1-9.

(7) The distribution of funds and revenues appropriated for the support of schools in the state.

(8) The board may not establish an accreditation system for nonpublic schools that is less stringent than the accreditation system for public schools.

(9) A separate system for recognizing nonpublic schools under IC 20-1-1-6.2. Recognition of nonpublic schools under this subdivision constitutes the system of regulatory standards that apply to nonpublic schools that seek to qualify for the system of recognition.

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

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

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

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

SECTION 2. IC 20-19-2-8, AS ADDED BY HEA 1288-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) In addition to any other powers and duties prescribed by law, the state board shall adopt rules under IC 4-22-2 concerning, but not limited to, the following matters:

(1) The designation and employment of the employees and consultants necessary for the department. The state board shall fix the compensation of employees of the department, subject to the approval of the budget committee and the governor under IC 4-12-2.

(2) The establishment and maintenance of standards and guidelines, other than building, space, and site requirements, for media centers, libraries, instructional materials centers, or any other area or system of areas in a school where a full range of information sources, associated equipment, and services from professional media staff are accessible to the school community. With regard to library automation systems, the state board may only adopt rules that meet the standards established by the state library board for library automation systems under

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IC 4-23-7.1-11(b).

(3) The establishment and maintenance of standards for student personnel and guidance services.

(4) The establishment and maintenance of minimum standards for driver education programs (including classroom instruction and practice driving) and equipment. Classroom instruction standards established under this subdivision must include instruction about:

(A) railroad-highway grade crossing safety; and

(B) the procedure for participation in the human organ donor program.

(5) The inspection of all public schools in Indiana to determine the condition of the schools. The state board shall establish standards governing the accreditation of public schools.

Observance of:

(A) IC 20-31-4;

(B) IC 20-28-5-2;

(C) IC 20-28-6-3 through IC 20-28-6-7;

(D) IC 20-28-9-7 and IC 20-28-9-8;

(E) IC 20-28-11; and

(F) IC 20-31-3, IC 20-32-4, IC 20-32-5, IC 20-32-6, and IC 20-32-8;

is a prerequisite to the accreditation of a school. Local public school officials shall make the reports required of them and otherwise cooperate with the state board regarding required inspections. Nonpublic schools may also request the inspection for classification purposes. Compliance with the building and site guidelines adopted by the state board is not a prerequisite of accreditation.

(6) Subject to section 9 of this chapter, the adoption and approval of textbooks under IC 20-20-5.

(7) The distribution of funds and revenues appropriated for the support of schools in the state.

(8) The state board may not establish an accreditation system for nonpublic schools that is less stringent than the accreditation system for public schools.

(9) A separate system for recognizing nonpublic schools under IC 20-19-2-10. Recognition of nonpublic schools under this subdivision constitutes the system of regulatory standards that apply to nonpublic schools that seek to qualify for the system of recognition.

(10) The establishment and enforcement of standards and guidelines concerning the safety of students participating in

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cheerleading activities.

(b) Before final adoption of any rule, the state board shall make a finding on the estimated fiscal impact that the rule will have on school corporations.

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President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Approved: _____

Governor of the State of Indiana

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