
SENATE BILL No. 236

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-26-14.5; IC 20-30; IC 20-31-12; IC 20-51-4-1.

Synopsis: Various education matters. Provides that a school corporation may participate in an interscholastic athletics association only if the association does not conduct boys' or girls' interscholastic basketball games in which the teams are divided into classes. Provides that a school placed in the highest category or designation of academic performance is not required to conduct a school year of at least 180 student instructional days if the school conducts at least an equivalent number of hours of student instructional time. Prohibits public schools from beginning student instructional days for the school year before the Tuesday after the first Monday in September (Labor Day) and from ending after June 10 of the following year, beginning with the 2014-2015 school year. Provides that a governing body may establish a beginning date before Labor Day or an end date for a school year that is later than June 10 for year-round schools, schools with balanced calendars, schools that coordinate calendars with a postsecondary educational institution, and schools that coordinate calendars with a large employer in the school corporation following public hearings and a majority vote of the governing body. Provides that a governing body may establish an end date for a school year that is later than June 10 for any school following public hearings and a majority vote of the governing body. Makes the change effective for collective bargaining agreements and contracts negotiated after June 30, 2014. Requires each school corporation to include cursive writing in the curriculum of the school corporation. Creates a designation of "high performing school corporation", and provides that certain statutes and rules are waived for a high performing school corporation. Requires an accredited nonpublic school that participates in the choice scholarship program to include cursive writing in the school's curriculum.

Effective: July 1, 2012.

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January 4, 2012, read first time and referred to Committee on Education and Career Development.



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Second Regular Session 117th General Assembly (2012)

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 2011 Regular Session of the General Assembly.

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SENATE BILL No. 236



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 20-26-14.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2012]:

Chapter 14.5. Interscholastic Basketball

5 **Sec. 1. As used in this chapter, "association" has the meaning set
6 forth in IC 20-26-14-1.**

7 **Sec. 2. A school corporation may participate in:**

- 8 (1) an association; or
- 9 (2) an athletic event conducted, organized, sanctioned, or
10 sponsored by an association;

11 **only if the association complies with this chapter.**

12 **Sec. 3. An association may not conduct, organize, sanction, or
13 sponsor boys' or girls' interscholastic basketball games in which
14 teams are divided into classes or other divisions during regular
15 season, postseason, or championship games.**

16 SECTION 2. IC 20-30-2-3, AS ADDED BY P.L.1-2005, SECTION
17 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,



2012]: Sec. 3. **Except as provided in section 3.5 of this chapter**, for each school year, a school corporation shall conduct at least one hundred eighty (180) student instructional days. Not later than June 15 of each school year, the superintendent of each school corporation shall certify to the department the number of student instructional days conducted during that school year.

SECTION 3. IC 20-30-2-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 3.5. (a) This section applies only to a school that has been placed in the highest performance category or designation established under IC 20-31-8-3.**

(b) A school to which this section applies is not required to conduct one hundred eighty (180) student instructional days in a school year if the governing body establishes a calendar for the school that consists of at least:

- (1) nine hundred (900) hours of instructional time, for grades 1 through 6; or**
- (2) one thousand eighty (1,080) hours of instructional time, for grades 7 through 12.**

(c) If a school to which this section applies ceases to be placed in the highest category or designation established under IC 20-31-8-3, the governing body shall establish a calendar for the school for the following school year that consists of at least one hundred eighty (180) student instructional days.

SECTION 4. IC 20-30-2-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 9. (a) This section applies only to a collective bargaining agreement, entered into after June 30, 2014, between a school employer (as defined in IC 20-29-2-15) and an exclusive representative.**

(b) This section applies only to a contract entered into or renewed by a governing body after June 30, 2014.

(c) This section does not apply to a nonpublic school.

(d) Beginning with the 2014-2015 school year, the student instructional days that make up a school year may not:

- (1) begin before the Tuesday after Labor Day, the first Monday in September; and**
- (2) end after June 10 of the following year.**

(e) This subsection applies to a year-round school that has a calendar in which a break between instructional days does not exceed six (6) weeks, a school that has a balanced calendar of quarters, a school that coordinates the school's calendar with that

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1 of a postsecondary educational institution, and a school that
 2 coordinates the school's calendar with that of a large employer
 3 within the school corporation. Notwithstanding subsection (d), a
 4 governing body may begin a school year before Labor Day or end
 5 a school year after June 10 at a school if:

6 (1) the governing body gives notice and holds at least two (2)
 7 public hearings at which public testimony must be allowed on
 8 the issue; and

9 (2) at a third public hearing, a majority of the members of the
 10 governing body vote to establish a beginning date for the
 11 school year that is before Labor Day or an ending date for the
 12 school year that is after June 10, or both.

13 (f) This subsection applies to a school that is not described in
 14 subsection (e). Notwithstanding subsection (d), a governing body
 15 may end a school year after June 10 at a school if:

16 (1) the governing body gives notice and holds at least two (2)
 17 public hearings at which public testimony must be allowed on
 18 the issue; and

19 (2) at a third public hearing, a majority of the members of the
 20 governing body vote to establish an ending date for the school
 21 year that is after June 10.

22 (g) This subsection applies to a governing body that begins a
 23 school year before Labor Day under subsection (e). The governing
 24 body may not conduct student instructional days during the period
 25 in which the state fair is held, unless a student who participates in
 26 the state fair receives an excused absence for each student
 27 instructional day the student participates in the state fair.

28 SECTION 5. IC 20-30-5-7, AS AMENDED BY P.L.86-2007,
 29 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2012]: Sec. 7. Each school corporation shall include in the
 31 school corporation's curriculum the following studies:

32 (1) Language arts, including:

- 33 (A) English;
- 34 (B) grammar;
- 35 (C) composition;
- 36 (D) speech; and
- 37 (E) second languages; and
- 38 (F) **cursive writing.**

39 (2) Mathematics.

40 (3) Social studies and citizenship, including the:

- 41 (A) constitutions;
- 42 (B) governmental systems; and

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- 1 (C) histories;
 2 of Indiana and the United States, including a study of the
 3 Holocaust in each high school United States history course.
 4 (4) Sciences.
 5 (5) Fine arts, including music and art.
 6 (6) Health education, physical fitness, safety, and the effects of
 7 alcohol, tobacco, drugs, and other substances on the human body.
 8 (7) Additional studies selected by each governing body, subject
 9 to revision by the state board.
- 10 SECTION 6. IC 20-31-12 IS ADDED TO THE INDIANA CODE
 11 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2012]:
- 13 **Chapter 12. High Performing School Corporations**
- 14 **Sec. 1. This chapter applies to a school corporation that**
 15 **annually meets or exceeds at least ninety percent (90%) of**
 16 **benchmarks established for school corporations by the department**
 17 **in the following areas:**
- 18 (1) ISTEP performance.
 19 (2) Graduation rate.
 20 (3) Postsecondary enrollment.
 21 (4) ACT and SAT scores.
 22 (5) College readiness data.
 23 (6) Student attendance.
 24 (7) Faculty proficiency.
 25 (8) Any other benchmark the department considers
 26 appropriate.
- 27 **Sec. 2. The department shall designate a school corporation to**
 28 **which this chapter applies as a high performing school**
 29 **corporation.**
- 30 **Sec. 3. The following statutes and rules are waived for a high**
 31 **performing school corporation:**
- 32 IC 20-30-2-2 (length of student instructional days).
 33 IC 20-30-2-3 (minimum number of student instructional
 34 days).
 35 IC 20-30-2-4 (penalty for failure to conduct minimum number
 36 of student instructional days).
 37 IC 20-30-2-7 (minimum length of school term).
 38 IC 20-30-14-2(6) (application requirements for community or
 39 volunteer service credits).
 40 511 IAC 6-8-2 (necessity for a waiver to implement
 41 nonstandard courses and curriculum programs).
 42 511 IAC 6-9.1-2 (program requirements for high ability

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- 1 students).
- 2 **511 IAC 6-9.1-3 (necessity for a waiver of certain rules for**
- 3 **programs for high ability students).**
- 4 **Sec. 4. If a high performing school corporation fails to meet or**
- 5 **exceed the benchmarks set forth in section 1 of this chapter for a**
- 6 **school year, the department shall place the school corporation on**
- 7 **probation for the following school year. If the school corporation**
- 8 **fails to meet or exceed the benchmarks set forth in section 1 of this**
- 9 **chapter for a second consecutive school year, the department shall**
- 10 **remove the school corporation's designation as a high performing**
- 11 **school corporation.**
- 12 SECTION 7. IC 20-51-4-1, AS ADDED BY P.L.92-2011,
- 13 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 14 JULY 1, 2012]: Sec. 1. (a) Except as provided under subsections (b)
- 15 through (h), it is the intent of the general assembly to honor the
- 16 autonomy of nonpublic schools that choose to become eligible schools
- 17 under this chapter. A nonpublic eligible school is not an agent of the
- 18 state or federal government, and therefore:
- 19 (1) the department or any other state agency may not in any way
- 20 regulate the educational program of a nonpublic eligible school
- 21 that accepts a choice scholarship under this chapter, including the
- 22 regulation of curriculum content, religious instruction or
- 23 activities, classroom teaching, teacher and staff hiring
- 24 requirements, and other activities carried out by the eligible
- 25 school;
- 26 (2) the creation of the choice scholarship program does not
- 27 expand the regulatory authority of the state, the state's officers, or
- 28 a school corporation to impose additional regulation of nonpublic
- 29 schools beyond those necessary to enforce the requirements of the
- 30 choice scholarship program in place on July 1, 2011; and
- 31 (3) a nonpublic eligible school shall be given the freedom to
- 32 provide for the educational needs of students without
- 33 governmental control.
- 34 (b) This section applies to the following writings, documents, and
- 35 records:
- 36 (1) The Constitution of the United States.
- 37 (2) The national motto.
- 38 (3) The national anthem.
- 39 (4) The Pledge of Allegiance.
- 40 (5) The Constitution of the State of Indiana.
- 41 (6) The Declaration of Independence.
- 42 (7) The Mayflower Compact.

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- 1 (8) The Federalist Papers.
 2 (9) "Common Sense" by Thomas Paine.
 3 (10) The writings, speeches, documents, and proclamations of the
 4 founding fathers and presidents of the United States.
 5 (11) United States Supreme Court decisions.
 6 (12) Executive orders of the presidents of the United States.
 7 (13) Frederick Douglas' Speech at Rochester, New York, on July
 8 5, 1852, entitled "What to a Slave is the Fourth of July?".
 9 (14) Appeal by David Walker.
 10 (15) Chief Seattle's letter to the United States government in 1852
 11 in response to the United States government's inquiry regarding
 12 the purchase of tribal lands.
- 13 (c) An eligible school may allow a principal or teacher in the
 14 eligible school to read or post in the school building or classroom or at
 15 a school event any excerpt or part of a writing, document, or record
 16 listed in subsection (b).
- 17 (d) An eligible school may not permit the content based censorship
 18 of American history or heritage based on religious references in a
 19 writing, document, or record listed in subsection (b).
- 20 (e) A library, a media center, or an equivalent facility that an
 21 eligible school maintains for student use must contain in the facility's
 22 permanent collection at least one (1) copy of each writing or document
 23 listed in subsection (b)(1) through (b)(9).
- 24 (f) An eligible school shall do the following:
- 25 (1) Allow a student to include a reference to a writing, document,
 26 or record listed in subsection (b) in a report or other work product.
 27 (2) May not punish the student in any way, including a reduction
 28 in grade, for using the reference.
 29 (3) Display the United States flag in each classroom.
 30 (4) Provide a daily opportunity for students to voluntarily recite
 31 the Pledge of Allegiance in each classroom or on school grounds.
 32 A student is exempt from participation in the Pledge of
 33 Allegiance and may not be required to participate in the Pledge of
 34 Allegiance if:
 35 (A) the student chooses to not participate; or
 36 (B) the student's parent chooses to have the student not
 37 participate.
 38 (5) Provide instruction on the constitutions of:
 39 (A) Indiana; and
 40 (B) the United States.
 41 (6) For an eligible school that enrolls students in grades 6 through
 42 12, provide within the two (2) weeks preceding a general election

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- 1 five (5) full recitation periods of class discussion concerning:
 2 (A) the system of government in Indiana and in the United
 3 States;
 4 (B) methods of voting;
 5 (C) party structures;
 6 (D) election laws; and
 7 (E) the responsibilities of citizen participation in government
 8 and in elections.
 9 (7) Require that each teacher employed by the eligible school
 10 present instruction with special emphasis on:
 11 (A) honesty;
 12 (B) morality;
 13 (C) courtesy;
 14 (D) obedience to law;
 15 (E) respect for the national flag and the Constitution of the
 16 State of Indiana and the Constitution of the United States;
 17 (F) respect for parents and the home;
 18 (G) the dignity and necessity of honest labor; and
 19 (H) other lessons of a steadying influence that tend to promote
 20 and develop an upright and desirable citizenry.
 21 (8) Provide good citizenship instruction that stresses the nature
 22 and importance of the following:
 23 (A) Being honest and truthful.
 24 (B) Respecting authority.
 25 (C) Respecting the property of others.
 26 (D) Always doing the student's personal best.
 27 (E) Not stealing.
 28 (F) Possessing the skills (including methods of conflict
 29 resolution) necessary to live peaceably in society and not
 30 resorting to violence to settle disputes.
 31 (G) Taking personal responsibility for obligations to family
 32 and community.
 33 (H) Taking personal responsibility for earning a livelihood.
 34 (I) Treating others the way the student would want to be
 35 treated.
 36 (J) Respecting the national flag, the Constitution of the United
 37 States, and the Constitution of the State of Indiana.
 38 (K) Respecting the student's parents and home.
 39 (L) Respecting the student's self.
 40 (M) Respecting the rights of others to have their own views
 41 and religious beliefs.
 42 (9) Provide instruction in the following studies:

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- 1 (A) Language arts, including:
- 2 (i) English;
- 3 (ii) grammar;
- 4 (iii) composition;
- 5 (iv) speech; **and**
- 6 (v) second languages; **and**
- 7 **(vi) cursive writing.**
- 8 (B) Mathematics.
- 9 (C) Social studies and citizenship, including the:
- 10 (i) constitutions;
- 11 (ii) governmental systems; and
- 12 (iii) histories;
- 13 of Indiana and the United States, including a study of the
- 14 Holocaust and the role religious extremism played in the
- 15 events of September 11, 2001, in each high school United
- 16 States history course.
- 17 (D) Sciences.
- 18 (E) Fine arts, including music and art.
- 19 (F) Health education, physical fitness, safety, and the effects
- 20 of alcohol, tobacco, drugs, and other substances on the human
- 21 body.
- 22 (g) An eligible school, charter school, or public school shall not
- 23 teach the violent overthrow of the government of the United States.
- 24 (h) Nothing in this section shall be construed to limit the
- 25 requirements of IC 20-30-5.

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