

PERSPECTIVES

On the Key K-12 Legislation of 2008

INTRODUCTION

The 2008 session of the 115th Indiana General Assembly adjourned sine die on Friday, March 14, 2008. The legislature considered a total of 803 bills during the session this year, of which more than 144 bills addressed education policy and governance, or were child-related legislation. The following is a summary of nine key K-12 education bills that were enacted by the legislature, including one bill that has since been vetoed by Governor Daniels. Many additional bills were passed by the legislature on a number of public policy topics including K-12 education, higher education, and child welfare and advocacy. The legislation included in this report was selected by the Center for Evaluation & Education Policy (CEEP) at Indiana University for their significance and potential long-term impact on K-12 education in Indiana.

A unique feature of this legislative summary is the inclusion of commentary and perspectives on each bill shared by eight representatives of statewide education or business associations. These individuals were invited to share their views concerning the pros and cons of each bill because of their firsthand knowledge and expertise on the legislation. We hope you enjoy reading their personal insights. Their comments do not represent, nor are they endorsed by, CEEP.

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COMMENTATORS

Frank Bush, Executive Director of the Indiana School Boards Association
Denny Costerison, Executive Director of the Indiana Association of School Business Officials
John Ellis, Executive Director of the Indiana Association of Public School Superintendents
Steve Heck, Executive Director, Indiana Association of School Principals
Chuck Little, Executive Director, Indiana Urban Schools Association
Derek Redelman, Vice President, Education and Workforce Development, Indiana Chamber of Commerce
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Perspectives

On the Key K-12 Legislation of 2008

Senate Joint Resolution 001

Title:

Circuit Breakers and Other Property Tax Matters

Authors:

Kenley, Miller, Rogers, Meeks, Mrvan, Zakas.

Sponsors:

Crawford, Espich, Welch, Turner

Effective Date:

This proposed amendment has not been previously agreed to by the General Assembly. To become effective, this joint resolution amending the state constitution must be passed during a second session of the legislature.

Summary

For property taxes first due and payable in 2012 and thereafter, requires the Indiana General Assembly to limit a taxpayer's property tax liability as follows: (1) A taxpayer's property tax liability on homestead property may not exceed 1% of the gross assessed value of the homestead property, (2) A taxpayer's property tax liability on other residential property may not exceed 2% of the gross assessed value of the other residential property, (3) A taxpayer's property tax liability on agricultural land may not exceed 2% of the gross assessed value of the property that is the basis for the determination of the agricultural land, (4) A taxpayer's property tax liability on other real property may not exceed 3% of the gross assessed value of the other real property, (5) A taxpayer's property tax liability on personal property may not exceed 3% of the gross assessed value of the taxpayer's personal property that is the basis for the determination of property taxes within a particular taxing district. Specifies that property taxes imposed after being approved by the voters in a referendum shall not be considered for purposes of calculating the limits to property tax liability under these provisions. Provides that in the case of a county for which the General Assembly determines in 2008 that limits to property tax liability are expected to reduce in 2010 the aggregate property tax revenue that would otherwise be collected by all units and school corporations in the county by at least 20%, the legislature may provide that the property taxes imposed in the county to pay debt service or make lease payments for bonds or leases issued or entered into before July 1, 2008, shall not be considered for purposes of calculating the limits to property tax liability. Specifies that such a law may not apply after December 31, 2019.

Commentary



In the midst of tough fiscal times, it is ill advised to make such changes permanent. The circuit breakers are now law, and only action by the General Assembly and the Governor can change that. Why tie the state's hands in the future? This is poor public policy.

John Ellis

Executive Director

Indiana Association of Public School Superintendents

Frank Bush: *Because the resolution will require another General Assembly approval and approval on a statewide ballot, the impact may not be determinable until more data are available. But there is one concern that is significant. That is: the permanent loss of a revenue source for public services by the adoption of the constitutional amendment. Since the state officials cannot predict the budget revenue receipts more than two years in advance, it is improbable that the state will not experience a lack of revenue without the use of property taxes. In other words, it does not appear feasible to take away a revenue source even in the best of economic times, much less in the current abysmal fiscal conditions of the state.*

Denny Costerison: *Indiana ASBO does not support permanent caps for any revenue source which would include property taxes. It is our opinion that the circuit breaker concept should not be placed in the State's Constitution.*

Steve Heck: *This 900-page document significantly alters the manner in which our schools are to be funded. At this point, we believe that the 1% circuit breaker will devastate many of our schools in a short period of time. These caps could force counties to begin to collect Local Option Income Tax. Wait and see what happens after the election and in the next General Assembly.*

Chuck Little: *The permanence of a Constitutional Amendment in our age of rapid, fluid change makes this proposal problematic. The lessening of local control, too, is worrisome. This is an emerging matter and in its present form, giving special exemptions to two counties, may not survive.*

Derek Redelman: *The business community opposed this resolution throughout the session because it changes a fundamental concept of the Indiana Constitution requiring all property in Indiana to be taxed equally. If enacted along with homestead credits, taxes on business property will be six to eight times greater than taxes on residential properties with the same assessed value. The change will also cause Indiana's business property taxes to rank among the highest in the country. Neither of these outcomes is good for Indiana's economic development efforts. Our concerns are somewhat lessened, however, by the provision removing referenda levies from the caps. While this provision has the potential to push all property taxes higher, it also helps assure that homeowners will remain engaged when various referenda are considered.*

Nate Schnellenberger: *Because of the negative effects of HB 1001 on school instructional programs, state constitutional amendments to reduce school property taxes should also include protections for public education funding because of the state's constitutional responsibility to fund public education "by all suitable means."*

Sally Sloan: *The effects of the circuit breakers on schools were somewhat mitigated through legislators setting aside money from the state's General Fund to help cover shortfalls. The problem is that there is not enough funding to cover revenue losses in all districts and the problem recurs unless further legislative action is taken. Since we don't know the full effect of the circuit breaker, it would be better to not move to make it constitutional, at least for the time being.*



Perspectives

On the Key K-12 Legislation of 2008

Senate Bill 022

Title:
Teacher Licensing

Authors:
Lubbers, Charbonneau

Sponsors:
**Porter, Behning, T. Harris,
 VanDenburgh**

Effective Date:
July 1, 2008

Summary

Specifies that an applicant for a substitute teacher's license is not required to receive the CPR and Heimlich maneuver training required of an applicant of an initial teaching license. Requires the Department of Education to grant an initial practitioner's license to an applicant for a specific subject area in middle school or high school who has not completed the customary teacher preparation program, but who has earned a postgraduate degree from a regionally accredited postsecondary educational institution in the subject area, has experience teaching students in a middle school, high school, or college setting, and complies with certain requirements for licensure. Allows an individual licensed through the process to be hired to teach in high school, or in middle school in a shortage area designated by the State Board of Education. Requires the individual to comply with certain training requirements (including participation in cultural competency and special education instruction professional development) to renew a license or to obtain a proficient practitioner's license.

Commentary



SB 22 adds another non-traditional entry path to teaching by permitting individuals with subject matter graduate degrees and "experience teaching in a college setting" to teach in middle and high school teacher shortage areas without completing a formal teacher preparation program. As with the Transition to Teaching program and Teach for America, monitoring to gauge the effectiveness of non-traditional teacher preparation strategies will be necessary. In the absence of a coherent rationale by teacher preparation programs, deans, and other university administrators regarding the superior effectiveness of traditional teacher preparation programs, alternative paths to teacher licensure will likely become more common.

Nate Schnellenberger
President
Indiana State Teachers Association

Frank Bush: *ISBA supported the general concept of the bill to assist in reducing the shortage of teachers in certain areas and the elimination of the CPR and Heimlich maneuver certification for substitute teachers.*

John Ellis: *It is encouraging that common sense does occasionally win the day! Schools have a tough enough time securing an adequate workforce of substitute teachers.*

Steve Heck: *While this will affect few people, it further erodes the importance of formal preparation. It is based on the false premise that knowing content insures quality teaching.*

Chuck Little: *Shortages of teachers in critical middle school and high school instructional areas needed to be addressed. There is a risk involved here of new teachers using valuable time in trial and error situations to learn what is already well known and understood in teacher education programs.*

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Derek Redelman: *SEA 22 provides a modest degree of flexibility that should help principals and other school administrators to fill math, science, and other hard-to-fill teaching positions. By focusing only on adults with master's degrees and Ph.D.'s, along with a requirement of previous teaching experience, it provides this flexibility while also maintaining a high degree of rigor. This law will not solve the challenges facing our teaching workforce, but it does represent a step in the right direction.*

Sally Sloan: *The bill changed from its introduced version by making it applicable to specific subject areas in middle school and high school. Previously it was specific to middle school only. By clarifying teaching experience requirements, some of our concerns were lessened. Because it lacks requirements for any pedagogy, administrators and teacher unions will need to work together to provide effective mentoring, professional development, and peer coaching programs.*



Perspectives

On the Key K-12 Legislation of 2008

Senate Bill 051

Title:

Reemployment of Retired Public Employees

Authors:

Weatherwax, Landske, Dieg, Tallian, Sipes

Sponsors:

Niezugodski, Buell, Stilwell, Burton

Effective Date:

July 1, 2008

Summary

Reduces from 90 days to 30 days the waiting period after which a retired member of the: (1) state teachers' retirement fund (TRF); or (2) public employees retirement fund (PERF) may be reemployed in a covered position and continue to receive a retirement benefit.

Commentary



This legislation will provide for highly qualified teachers in the right place at the right time. The reduction to a 30-day waiting period will allow schools to begin each school year with experienced, qualified teachers in some of those hard-to-fill positions.

Sally Sloan
Executive Director
Indiana Federation of Teachers

Frank Bush: *ISBA supported the employment flexibility provided by SEA 51.*

John Ellis: *The move from 90 to 30 days better fits the shorter summer gaps that exist between typical reemployment needs. This was very well received by school districts.*

Steve Heck: *This is good legislation, reducing the waiting period to allow retiring educators to return to the same, or a different, position without forfeiting their retirement benefits. In the past, many of our outstanding educators have been forced to leave Indiana to re-enter the profession.*

Chuck Little: *While IUSA did not participate in the hearings on this bill, it's important to note that with significant retirements of "baby boomers" at hand, critical classroom and administrative shortages are likely and can be mitigated by this bill.*

Nate Schnellenberger: *By reducing the separation of employment period from 90 days to 30 days, SB 51 better aligns the reemployment timeframe of TRF and PERF members with the start of the subsequent school year. The reemployment of retired TRF and PERF members may serve to redress teacher shortages, but should not be used as a practice to inhibit entry into the teaching profession by new teachers.*



Perspectives

On the Key K-12 Legislation of 2008

Senate Bill 111

Title:
Graduation Rate Formula

Authors:
Lubbers, Charbonneau

Sponsors:
Porter, Behning

Effective Date:
 July 1, 2008

Summary

Specifies that students graduating as members of a cohort include students from the cohort who graduate during the expected graduation year or during a previous reporting year. Provides that students may count as graduating members of only one cohort. Corrects an incorrect cross-reference.

Commentary



SEA 111 makes technical corrections to the graduation rate law that was passed in 2007. Due to a request by Sen. Teresa Lubbers and Rep. Greg Porter, the IDOE had already calculated the 2007 rates based on the changes contained in this new law; so the passage of this law truly changes nothing. With the completion of this work, many of us hope that a 10-year debate on graduation rates will finally be put to rest, as Indiana now has a system to produce accurate graduation rates and one that is consistent with standards adopted by the National Governor's Association. Regretfully, this decade-long debate has been spurred by the historical gaming of data at the local level and by lax enforcement by the IDOE; so those of us concerned about accurate graduation rates will remain diligent as this new law is implemented.

Derek Redelman
 Vice President

Education & Workforce Development, Indiana Chamber of Commerce

Frank Bush: *The formula change was needed as a technical correction.*

John Ellis: *Still misleading, there is a lot of work to be done to more accurately calculate and report graduation rates in Indiana.*

Steve Heck: *This is language that should have been addressed during last year's legislative session.*

Chuck Little: *This legislation corrected the last minute errors put in the 2007 bill. It's an improved figure for better public understanding, although it still gives no credit to schools that help Hoosiers finish GED's or IEP's. People everywhere are starting to realize that graduation doesn't take place at the same pace for everyone.*

Nate Schnellenberger: *Indiana continues to refine the high school graduation rate calculation as an accurate measure of student success. Issues regarding the inclusion or exclusion of students with disabilities who may have alternative high school completion plans remain.*



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On the Key K-12 Legislation of 2008

House Bill 1001

Title:

State and Local Finance

Authors:

Crawford, Espich, Welch, Turner

Sponsors:

Kenley, Skinner, Hume, Hershman

Effective Date:

Multiple effectives for different provisions of the bill, including some retroactive dates (see legislation for more information).

Summary

Provides for the assumption by the state of the costs of child welfare services and incarcerating delinquent children in a Department of Correction facility. Makes related changes to procedures governing the adjudication of children as children in need of services or as a delinquent child. Eliminates school corporation tuition support levies. Increases the state tuition distribution by the amount of the terminated tuition support levy. Creates the state tuition reserve fund. Abolishes the tuition support account in the State General Fund. Requires a transfer of money from the State General Fund to the State General Fund. Provides an additional supplemental standard deduction for homesteads. Provides additional homestead credits in 2008 of \$620,000,000.

Provides that a school corporation may not impose a special education preschool property tax levy after December 31, 2008. Requires the Department of Education to make distributions equal to the product of \$2,750 multiplied by the number of special education preschool children who are students in the school corporation. Increases the maximum amount of the state income tax deduction for renters from \$2,500 to \$3,000. Increases the sales and use tax rates from 6% to 7%. Adjusts distributions of sales tax and use tax so that new revenue from the rate increase is deposited in the State General Fund. Reduces sales tax collection allowances for retail merchants. Beginning in 2009, abolishes property tax replacement credits, state homestead credits (except for the temporary homestead credits in 2009 and 2010), the Property Tax Replacement Fund, and the Property Tax Reduction Trust Fund. Provides that revenues from sales tax, income tax, and certain wagering taxes formerly deposited in those funds are to be deposited in the State General Fund. Provides that a county council may adopt an ordinance to allow a taxpayer to make installment payments of taxes due under a reconciling statement.

Provides that for property taxes first due and payable in 2009, the circuit breaker credit is equal to the amount by which a person's property tax liability attributable to the person's: (1) homestead exceeds 1.5%, (2) residential property exceeds 2.5%, (3) agricultural land exceeds 2.5%, (4) long term care property exceeds 2.5%, (5) nonresidential real property exceeds 3.5%, or (6) personal property exceeds 3.5%, of the gross assessed value of the property that is the basis for determination of the property taxes. Provides that for property taxes first due and payable in 2010 and thereafter, the circuit breaker credit is equal to the amount by which a person's property tax liability attributable to the person's: (1) homestead exceeds 1%, (2) residential property exceeds 2%, (3) agricultural land exceeds 2%, (4) long-term care property exceeds 2%, (5) nonresidential real property exceeds 3%, or (6) personal property exceeds 3%, of the gross assessed value of the property that is the basis for determination of the property taxes. Specifies that property taxes imposed after being approved by the voters in a referendum or local public question shall not be considered for purposes of calculating the circuit breaker credit. Provides that for certain eligible counties, property taxes imposed to pay debt service or make lease payments for bonds or leases issued or entered into before July 1, 2008, shall not be considered for purposes of calculating the circuit breaker credit.

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Provides that a school bus replacement plan must apply to at least 12 years (rather than 10 years). Requires the State Board of Education to adopt administrative rules setting forth guidelines for the selection of school sites and the construction, alteration, and repair of school buildings, athletic facilities, and other categories of facilities related to the operation and administration of school corporations. Requires a school corporation to consider the guidelines and to submit proposed plans and specifications to the Department of Education. Requires the Department of Education to provide written recommendations to the school corporation, including findings as to any material differences between the plans and specifications and the guidelines. Requires the school corporation to have a public hearing on the plans and specifications. Requires the Department of Education to establish a central clearinghouse containing prototype designs for school facilities.

Permits a school corporation to appeal to the Department of Local Government Finance (DLGF) to impose a shortfall levy to replace a shortfall in a tuition support levy imposed before 2009. Provides that beginning in 2010, the budget year for all school corporations shall be from July 1 of the year through June 30 of the following year. Provides that a capital project is a controlled project if it will cost the political subdivision more than the lesser of \$2,000,000 or an amount equal to 1% of the total gross assessed value of property within the political subdivision on the last assessment date (if that amount is at least \$1,000,000). Provides that a controlled project for a school building for kindergarten through grade 8 is subject to a referendum if the cost is more than \$10,000,000. Provides that a controlled project for a school building for grade 9 through grade 12 is subject to a referendum if the cost is more than \$20,000,000. Provides that other controlled projects with a cost that exceeds the lesser of \$12,000,000 or 1% of assessed value (but at least \$1,000,000) are also subject to a referendum. Specifies that it takes 100 persons who are either owners of real property within the political subdivision or registered voters residing within the political subdivision or 5% of the registered voters residing within the political subdivision to initiate such a referendum. Provides that controlled projects that are not subject to a referendum are subject to the petition and remonstrance process.

Provides that review and approval by the DLGF are not required before a school corporation may issue or enter into bonds, a lease, or any other obligation if the school corporation's determination to issue or enter into the bonds, lease, or other obligation is made after June 30, 2008. Provides that after June 30, 2008, review and approval by the DLGF are not required before a school corporation may construct, alter, or repair a capital project. Prohibits, with respect to bonds payable from property taxes, special benefit taxes, or tax increment revenues, a local issuing body from: (1) issuing refunding bonds that have a repayment date that is beyond the maximum term of the bonds being refunded; or (2) using savings resulting from refunding bonds or surplus proceeds for any purpose other than to maintain a debt service reserve fund, repay bonds, or reduce levies. Requires the local issuing body to pay interest and principal on bonds on a schedule that provides for substantially equal installment amounts and regular payment intervals, with certain exceptions.

Allows a school corporation to appeal to the DLGF for a new facility adjustment to increase the school corporation's tuition support distribution for the following year to pay increased costs to open: (1) a new school facility, or (2) an existing facility that has not been used for at least three years. Deletes the expiration date in the provision authorizing a school corporation to use money in its capital projects fund for utility services and insurance. Appropriates to the Department of Education from the State General fund \$10,000,000 for the state fiscal year beginning July 1, 2008, and ending June 30, 2009, to make new facility adjustment distributions that are approved by the DLGF. Provides that a school corporation does not need the approval of the school property tax control board or the DLGF before holding a referendum concerning a referendum tax levy. Provides that a school corporation may hold a referendum on whether a referendum tax levy should be imposed to replace property tax revenue that the school corporation will not receive because of the application of the circuit breaker credit. Makes other changes. Makes appropriations.

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Commentary



It is important to understand that the 2008 session of the General Assembly was focused on property tax relief for homeowners. This session was not about education, cities and towns, counties, public services, or economic development.

The elimination of the General Fund property tax levy has one major area of concern—stability of funding. More than ever, funding for schools will be tied to the economy and the state's revenue flow. The creation of the State Tuition Reserve Fund will assist with the flow of dollars to school corporations.

The circuit breaker language in HB 1001 is problematic for many school corporations who lose property tax revenues in 2009 and 2010. IASBO appreciates that the General Assembly did mitigate some of the loss, but many school corporations' Transportation, Capital Projects, and Bus Replacement Funds will be negatively impacted.

Indiana ASBO opposed the referendum concept found in HB 1001 because the current petition/remonstrance process is working and is due to the history of unsuccessful school referendums in other states. Time will tell if this new process will substantially decrease new school construction.

Denny Costerison
Executive Director
Indiana Association of School Business Officials

Frank Bush: *What a monumental legislative initiative! Will it work as philosophically predicted? Or will public services not be able to meet the expectations of the citizenry? At least school boards did not receive budget approvals by county councils or the application of a six-year rolling average for budget expenditures in HEA 1001. But these concepts and many others are looming on the horizon. However, public schools were the focus of several initiatives such as referendums, school building plans, and 100% General Fund budgets financed by the state. Each of these concepts requires lengthy responses and would be appropriate for another forum. But in summary, the taxpayer was the focus and may have won in the short-term with the requested relief.*

John Ellis: *The general fund assumption comes with "an approximate" \$400 million Rainy Day Fund for school funding, which is close to the \$450 million estimated need, but when the remaining \$50 million or more is added to the circuit breaker losses for some, it still leaves many districts with pretty big funding gaps.*

School construction issues, resulting in referendum, represent a manufactured crisis. The recently released study of costs for school construction in Indiana, just completed January 30, 2008, by the Center for Evaluation & Education Policy and entitled "The Effect of Property Tax Changes on Indiana Public School Corporations," concludes:

- *Indiana public schools are particularly sensitive to alterations in the property tax system, and there is little evidence that Indiana schools are spending disproportionate sums on school construction.*
- *While construction spending has increased over the last several years, these increases are no greater than that experienced by other states.*
- *The cost of building new schools is roughly the same in Indiana as in other states, although there is some evidence that additions and expansions to existing schools cost more per square foot than elsewhere.*
- *As of 2006, school construction spending makes up a modest share of property tax revenues. It is, therefore, unlikely that construction spending is primarily responsible for increases in property tax assessments through 2006.*

Steve Heck: *Currently, there is a predicted \$95 million shortfall to schools, with no way of compensating for those losses. The entire tax package is based on a four percent (4%) annual growth for each of the next two years. In 2007, revenue growth decreased by 1.9% and we are, in 2008, approximately \$57 million below projections already. Further, we do not understand why the legislature is requiring a referendum to spend money you already have available. The current remonstrance system has worked extremely well, with more than half of the construction projects being defeated.*

Chuck Little: *Public schools are fundamental to the common good. The restrictions which go into place here may be too high a price to pay in exchange for individual taxpayer situations. The referendums could be an opportunity for local voters to dramatically support their schools. Having the state fund the entire General Fund creates a significant state responsibility, which must always be given top priority by state leaders.*

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Derek Redelman: *This law accomplishes much that has been demanded since last summer to address Indiana's property tax crisis. Attempts by school lobbyists to exclude school funding from these discussions were unrealistic and likely hurt their efforts to impact the final outcome. In the end, lawmakers provided a fair amount of balance between funding shifts, spending controls, and relief from controls. One particularly notable example of this balance is the decision to exclude referenda levies from the imposed spending caps. In other words, the new spending caps will not apply to levies that have been approved by the district's voters. Overall, HEA 1001 will force schools to do a better job controlling their costs and justifying their expenditures to taxpayers; but for schools that can accomplish those two very reasonable goals, there should be nothing to fear from this new law. These changes represent a fundamental and largely positive shift in the way we fund schools in Indiana. As that shift continues to play out through the 2009 budgeting session, schools will fare better by embracing and aiding these shifts rather than demagoguing them, as was far too common in the just completed legislative session.*

Nate Schnellenberger: *The school property tax measures of HB 1001 will jeopardize school instructional program funding and are not as likely to provide as much long-lasting homeowner property tax relief as other school property tax reduction proposals would have provided. The replacement of \$882 million in public school instructional program property taxes with state sales tax revenues will destabilize instructional program funding, particularly in light of the state's worsening economic circumstances in which revenues are more than \$250 million below projections. Because of the elimination of the school General Fund property tax levy and the exclusion of the Debt Service Fund from the property tax caps, only the Capital Projects Fund and the School Bus Replacement Fund will be impacted. Instructional program funds should not be used to prevent shortfalls in either the Capital Projects Fund or the School Bus Replacement Fund. Better school property tax reductions could have been achieved by replacing school construction funds (100% property tax) with a combination of local option income taxes and state taxes, as is now done in many other states, with at least 13 other states now utilizing state revenues for more than 50% of school construction costs.*

Sally Sloan: *The state's assuming 100% of the school General Fund and eliminating tuition support levies could be problematic for schools as the state experiences economic downturns. The stability schools had from local levies will not be available to use.*



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On the Key K-12 Legislation of 2008

House Bill 1193

Title:

Adult Education

Authors:

Simms, VanDenburgh

Sponsors:

Tallian, Charbonneau

Effective Date:

July 1, 2008

Summary

Creates an interim study committee on adult education.

Commentary



This will be a committee to watch. The bill, as introduced this year, would have moved money away from schools to higher education for control of adult education.

Steve Heck

Executive Director

Indiana Association of School Principals

Frank Bush: *ISBA supported the need for a study of adult education funding and delivery system.*

Derek Redelman: *Research conducted for the Indiana Chamber points to over one million adults who do not have sufficient skills for the current workforce. As the largest state-funded training program available for these struggling members of our workforce, Indiana's Adult Education program falls far short of serving Indiana's needs and in achieving the program's primary goals. A comprehensive review of these issues is long overdue and could lead to changes that would improve the effectiveness of current expenditures while also convincing lawmakers to expand funding for this critical program.*

Nate Schnellenberger: *Clearer objectives for adult education programs and better alignment with workforce training programs will lead to more effective and accessible adult education services. The study committee will have to examine relationships among high schools, social service agencies, community colleges, and company-based workforce training programs to develop a coordinated system of adult education.*

Sally Sloan: *It's been a while since adult education legislation, specifically the funding aspect, has been reviewed. This should help find solutions to problems that have accumulated over the years.*



Perspectives

On the Key K-12 Legislation of 2008

House Bill 1210

Title:
Teacher Certification

Authors:
V. Smith

Sponsors:
Sipes, Rogers, Lubbers

Effective Date:
July 1, 2008

Summary

Allows an individual who has failed the Praxis I teacher licensing examination at least two times by three points or less each time, to demonstrate proficiency by having the individual present verification to the Department of Education that the individual has: (1) successfully completed all other requirements of a teacher education program, including passing the Praxis II examination; (2) attained certain grade point averages; and (3) demonstrated a successful student teaching experience; as well as submitting letters of recommendation from certain faculty members.

VETOED BY THE GOVERNOR

Commentary



Restricting the brain drain and building the pool of qualified candidates for Indiana's schools was vetoed over a margin of error issue. The individuals who miss the Indiana standard by a point or two will now find positions across the state line, ultimately at the expense of our state.

Chuck Little
Executive Director
Indiana Urban Schools Association

Frank Bush: *The bill only offered a fair and considerate correction on a statistical basis for those that were being held accountable inappropriately. It did not lower standards or offer less accountability as the veto implied.*

John Ellis: *This is a mathematical problem that the General Assembly took the time this year to understand. Basically, this would have given recognition to those scoring within the tests' standard margin of error. This adjustment has nothing to do with lowering standards for teacher preparation, and everything to do with understanding the statistics of testing.*

Steve Heck: *Vetoed by the Governor, this legislation addressed alternative assessments for those failing the Praxis. It will likely return in the future.*

Derek Redelman: *In his advocacy for this bill, Rep. Vernon Smith observed that elementary school teachers will never need the 10th grade basic skills that he said are measured by Praxis I. That statement was truly astounding given that prospective teachers must be graduates of both high school and college! He suggested further that inner-city, minority students would be the greatest beneficiaries of this new flexibility—thus ignoring the crisis we already face in urban schools, where national studies demonstrate that our least skilled educators are already most prominent. The Indiana Chamber opposed this bill in its original form but changed our position to neutral after the bill was amended to an option rather than a mandate. On principle, however, Gov. Daniels is to be applauded for vetoing a measure that, according to the bill's own author, would allow adults who have not even mastered high-school-level material to be licensed as teachers.*

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Nate Schnellenberger: *The necessity of a teacher workforce that better mirrors the cultural, ethnic, and racial diversity of Indiana's students warranted the modest and carefully crafted modifications of current teacher testing requirements. The veto of HB 1210, in the absence of any other suggestions to address teacher workforce diversity issues, does little to redress achievement gaps and is problematic in light of the approval of SB 22.*

Sally Sloan: *Shortages exist in geographic areas as well as subject areas. Teachers are more likely to stay where they have roots. The provisions would help get well-trained, highly qualified new teachers into classrooms. The provisions in the bill would provide actual can-do proof that an education student is prepared and can deliver in a classroom without diluting the standards required for a highly qualified teacher. Remember, too, they are scoring within the standard deviation that even ETS reports is accurate for passing.*

Presently, a student in a school of education can have a low GPA, weak student teaching experiences, low course grades, pass PRAXIS, and get a license. Under HB 1210, a student could have a high GPA, demonstrated a successful student teaching experience, and have an accumulated high GPA, fail Praxis I, and not be able to be licensed because Indiana provides no waiver process. This bill assures that an education student meets all of the other higher standards as required in the bill and adds to that a proficiency review as delineated by a Division of Professional Standards Study Committee.



Perspectives

On the Key K-12 Legislation of 2008

House Bill 1234

Title:

School Attendance Records and Enforcement

Authors:

Blanton, Austin

Sponsors:

Charbonneau, Sipes

Effective Date:

July 1, 2008

Summary

Allows certain law enforcement officers to inspect student attendance records and enforce the attendance laws. Requires an affidavit against a parent to enforce the compulsory school attendance law be filed in a court with jurisdiction in the county in which the student resides.

Commentary



The bill offers the police another opportunity to consider the conditions of the detainee before incarcerating or fining.

Frank Bush

Executive Director

Indiana School Boards Association

Steve Heck: *The testimony on this bill was primarily targeted toward large school corporations that have their own police forces. Our concerns were essentially right to privacy and access to student records.*

Nate Schnellenberger: *Because current "parent responsibility" statutes remain difficult to implement, HB 1234 adds helpful means to reduce truancy. Further joint school/family service/criminal justice system efforts may be necessary to enforce attendance laws. At the same time, alternative education programs for potential dropouts must be expanded.*



Perspectives

On the Key K-12 Legislation of 2008

House Bill 1246

Title:

Dual Credit Programs, Student Graduation Plan, and Virtual Learning

Authors:

Porter, Simms, Behning

Sponsors:

Lubbers, Sipes

Effective Date:

July 1, 2008

Summary

Establishes the concurrent enrollment partnership to coordinate dual credit programs among Indiana high schools and state educational institutions. Changes the name of the student career plan to the student graduation plan. Provides methods of certifying the income of a student who is eligible for the waiver of tuition and fees at a state educational institution in the Double Up for College dual credit program. Creates an Interim Study Committee on K-12 Virtual Learning.

Commentary

Frank Bush: *The concurrent enrollment partnership should be of assistance in establishing a responsible plan and thus a program for statewide enhancement and integrated implementation.*

Steve Heck: *The bill clearly reflects a growing commitment to the expansion of the dual credit program. There also seemed to be great interest in the K-12 Virtual Learning Academy through the Department of Education. Some discussion also focused on this as a strategy to serve expelled students, as well as those in need of credits not offered at their schools at the time they need the course to graduate. We will follow the work of the Interim Study Committee on K-12 Virtual Learning.*

Chuck Little: *Dual credit programs are an opportunity for Indiana's young people. The Partnership, too, will be a plus for our students.*

Derek Redelman: *As originally proposed, this bill would have created new, unnecessary limits on virtual learning opportunities and would have lowered the rigor of emerging dual credit opportunities. As amended and passed, this law will accomplish three important things: 1) create a forum for expanding and coordinating dual credit opportunities, 2) rename the current "career plans" the more accurate name of "graduation plans," and 3) provide a forum for legislators and others to learn more about virtual learning opportunities.*

Nate Schnellenberger: *Students who have worked diligently to complete rigorous high school graduation requirements should have the opportunity to take dual high school/college credit courses during their junior and senior years of high school without unwarranted tuition charges. Because both high schools and colleges collect state funds for dual credit courses, the concurrent enrollment partnership has an opportunity to define a set of tuition-free dual high school/college credit courses that will help increase both the high school graduation rate (76%) and the college graduation rate (40%).*

A legislative study committee regarding virtual learning could determine appropriate circumstances for the enrollment of students in Internet-based and other distance-learning courses, as well as funding policies to assure that private virtual learning course providers do not reap excessive profits from education tax revenues. Current practices of publicly subsidized providers which sell virtual courses to private school and home-school students can be examined.

Sally Sloan: *An important part of this legislation is the Interim Study Committee on K-12 Virtual Learning. Any plan Indiana may have regarding virtual learning definitely deserves in-depth study.*