

PERSPECTIVES

On the Key K-12 Legislation of 2007

INTRODUCTION

The 2007 session of the 115th Indiana General Assembly adjourned sine die on Sunday, April 29, 2007. The legislature considered a total of 2,420 bills during the budget session this year, of which more than 250 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. 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 nine bills included in this report were 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 six 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.

TABLE OF CONTENTS

<u>Senate Bills</u>	<u>Title</u>	<u>Page</u>
Senate Bill 088.....	Teacher Reemployment After Retirement	1
Senate Bill 192.....	School Safety	2
Senate Bill 327.....	Immunization for School Age Girls	4
Senate Bill 408.....	Programs for High Ability Students	5
 <u>House Bills</u>		
House Bill 1001	State Budget	6
House Bill 1059	Holocaust education	8
House Bill 1116	Immunity, Volunteer Health Aides for Diabetic Students and Emergency Procedures Training for Teachers	9
House Bill 1428	Autism and Asperger's Training for School Personnel	10
House Bill 1647	Twenty-First Century Scholarships; GEDs; Informational Graduation Rate	11

COMMENTATORS

Frank Bush, Executive Director of the Indiana School Boards Association
Denny Costerison, Executive Director of the Indiana Association of School Business
Dan Clark, Deputy Director for Programs, Indiana State Teachers Association
John Ellis, Executive Director of the Indiana Association of Public School Superintendents
David Holt, Indiana Chamber Vice President of Workforce Development Policy and Federal Relations
Lowell Rose, Consultant to the Indiana Urban Schools



Perspectives

On the Key K-12 Legislation of 2007

Senate Bill 088

Title:

Teacher Reemployment After Retirement

Authors:

Weatherwax, Drozda, Tallian, Boots, Heinold, Walker, Steele

Sponsors:

Porter, Hinkle, Austin, Buell

Effective Date:

July 1, 2007

Summary

Removes the earnings limitation for a member of the teachers' retirement fund (TRF) who is reemployed more than 90 days after the member's retirement in a TRF covered position. Provides that neither the retired member nor the member's employer makes contributions to TRF for the period of the member's reemployment. Provides that the member does not earn creditable service in TRF and is not entitled to an additional benefit from TRF for the period of reemployment.

Commentary



This bill mirrors federal legislation that does not impose an earnings cap on Social Security recipients. The provisions only apply to TRF retirees who are reemployed in TRF covered positions. SB 088 may allow experienced teachers and administrators to extend their careers on a part-time or full-time basis.

Dan Clark
Deputy Director for Programs
Indiana State Teachers Association

Bush: *SB 088 eliminates the \$35,000 cap and will permit retired school personnel to provide service such as superintendents, principals, and teachers, which will be beneficial to staffing teaching shortage areas and administrative roles.*

Holt: *Any policy that will allow retired teachers to return to the classroom without financial penalties would help ensure experienced teachers in the classroom.*

Rose: *The bill offers a common sense approach to giving school corporations flexibility in attempting to keep good teachers in the classroom. One issue that did not come up during consideration of the bill was the status of these teachers in relation to the collective bargaining unit. That question will probably have to be answered at some point.*



Perspectives

On the Key K-12 Legislation of 2007

Senate Bill 192

Title:

School Safety

Authors:

Lubbers,
Kruse, Alting,
Wyss

Sponsors:

Porter, Behning

Effective Date:

July 1, 2007

Summary

Requires a school safety committee to submit a copy of the floor plans for each building located on the school's property to the law enforcement agency and the fire department that have jurisdiction over the school. Requires school corporations to abate certain school building safety violations that are not immediate safety hazards before the earlier of: (1) one year after the state fire marshal's determination; or (2) six months after the start of the school corporation's next budget year. Requires at least one: (1) tornado preparedness drill; and (2) manmade occurrence disaster drill; during each semester of school. Provides that the governing body of a school corporation (including a school city) may establish a school corporation police department staffed by police officers who have general police powers. Provides that the governing body of a school corporation in collaboration with local law enforcement shall establish the powers of the school corporation police officers. Provides that school corporation police officers' survivors are eligible for death benefits. Requires school corporation police officers to have law enforcement academy education and pre-basic and basic training and to participate in local continuing education programs. Requires a school corporation police officer who was appointed before July 1, 2007, to complete the law enforcement academy education and basic training requirements not later than July 1, 2010. Imposes deadlines for school corporation police officers to begin law enforcement academy education and basic training requirements. Provides that a school corporation police department established before July 1, 2007, is considered a school corporation police department established under this legislation.

Commentary



The original version of this bill attempted to align the abatement schedule for responding to citations with the budget cycle. That appears to have been accomplished; however, the bill morphed along the way to a point where it is a virtual Christmas tree of seemingly disparate requirements. Connecting abatement schedules with the establishment and training of school police forces would not seem to be germane. That is probably not a problem since none of the provisions stirred controversy.

Lowell Rose

Consultant to the Indiana Urban Schools



SB 192 is a very welcome bill for school districts. Regional differences among state fire inspectors have, in the past, often proved costly to schools. This legislation places all issues at the state level and allows a reasonable time for compliance in order to fund those changes deemed necessary. The new safety drill requirements should be welcomed and immediately implemented anywhere children will be collecting in large numbers.

John Ellis

Executive Director of IAPSS

... continued on next page



Perspectives

On the Key K-12 Legislation of 2007

Senate Bill 192 (continued)

Commentary (continued)

Bush: *SB 192 permits necessary flexibility with the State Fire Marshall reports by allowing budgets to absorb the order in a timely manner, which is definitely needed from a cash flow perspective. The law also recognized local control by permitting the establishment of a school police force on a voluntary basis that may be an important issue for school boards as student and staff safety is protected in such a violent time.*

Clark: *Training for school police officers will improve school safety procedures, particularly regarding weapons violations.*

Holt: *Schools are a place of learning and anything to ensure a safer environment is important to fostering a place of academic quality.*



Perspectives

On the Key K-12 Legislation of 2007

Senate Bill 327

Title:

Immunization for School Age Girls

Authors:

Lawson C, Simpson, Becker, Landske, Lubbers, Miller, Gard, Bowser, Breaux, Errington, Rogers, Sipes, Tallian, Kenley, Jackman, Howard

Sponsors:

Duncan

Effective Date:

July 1, 2007

Summary

Requires a school to: (1) provide certain information to each parent of a female child entering Grade 6 concerning the link between cervical cancer and the human papillomavirus (HPV) infection and of the availability of an immunization; (2) collect written statements from the parent indicating whether the child has received or will not receive the immunization or chooses not to provide the information; and (3) file a written report with the state department of health (state department) stating the number of required female students who have or will receive the immunization, the number of female students who have not received the immunization, and the number of students who have not provided the information. Requires the state department to provide a school with the information on cervical cancer and HPV and prescribe the format for the written statement. Provides that a student may not be prohibited from enrolling, attending, or graduating from school for not providing the written statement to the school.

Commentary



SB 327 is necessary to inform female students of the devastating results of contracting cervical cancer. Because students are seemingly more sexually active, there needs to be preventive information available, which the law will provide.

Frank Bush

Executive Director of the Indiana School Boards Association

Clark: *SB 327 is a careful balance between the privacy rights of individuals and the obligation to provide essential health and medical information.*



Perspectives

On the Key K-12 Legislation of 2007

Senate Bill 408

Title:

Programs for High Ability Students

Authors:

Lubbers, Drozda, Kruse, Alting,
Sipes, Miller, Merritt

Sponsors:

Porter, Behning, Cheney, Thompson

Effective Date:

July 1, 2007

Summary

Changes reference in school corporation annual report from “gifted and talented” to “high ability.” Changes the criteria for awarding grants to school corporations for high ability programs. Requires a school corporation to establish a program for high ability students consistent with federal, state, local, and private funding sources and sets forth requirements for assessments to identify high ability students.

Commentary



Programs to foster and encourage students with high abilities are vital to Indiana’s competitiveness in a global environment. This legislation gives additional opportunities to those who are gifted and talented or considered high ability students.

David Holt

*Indiana Chamber Vice President of
Workforce Development Policy and Federal Relations*

Bush: *SB 408 is more of a technical correction law that changes the label and provides a focus on high ability students, which may be necessary as public schools advance student achievement.*

Clark: *Coupled with the increased budget appropriation for high ability programs, SB 408 provides needed resources to expand programs and services to students ready for accelerated learning experiences.*

Rose: *The bill is intended to increase the attention given to the needs of more talented students. The name change from “gifted and talented” to “high ability” is an interesting attempt to use semantics to expand the focus. This is to be done by reaching out to students in populations that are not normally represented as students are identified. It is an effort that is at least worth undertaking.*



Perspectives

On the Key K-12 Legislation of 2007

House Bill 1001

Title:

State Budget

Authors:

Crawford, Cochran

Sponsors:

Meeks, Mrvan, Kenley, Simpson

Effective Date:

July 1, 2006 (retroactive);
January 1, 2007 (retroactive);
July 1, 2007; January 1, 2008.

Summary

Appropriates money for state agencies and makes other distributions. Specifies a school funding formula. Requires a study of the efficiency and effectiveness of charter schools. Changes references from vocational education to career and technical education. Creates a prekindergarten pilot program. Increases tuition support by approximately 3.7% in FY2008 and 3.6% in FY2009. Funds the Early Literacy Intervention Grant and the Reading Diagnostic Assessment programs at the continued level of \$3.7 million/year and \$1 million/year, respectively. Increases textbook reimbursement from \$19.9 million to \$39.9 million. Funds Full-Day Kindergarten at \$33.5 million in FY2008 and \$58.5 million in FY2009 with a cap of \$2,500 per FDK student. Non-English Speaking Program funds were increased by \$6.2 million to \$6.9 million/year. Gifted and Talented Program funds were increased by \$7.18 million to a level of \$12.78 million/year. Testing and Remediation monies were increased by \$10 million to a total of \$41 million/year, while GOE Remediation funds remained level at \$4.9 million/year. Creates funding of up to \$100,000/year for school consolidation studies that school corporations can apply directly to the IDOE to use in order to assess the feasibility of consolidation or merging services with another corporation. Funds the school finance studies conducted by the **Center for Evaluation and Education Policy at Indiana University** at \$140,000/year. Requires a comprehensive study of the efficiency and effectiveness of charter schools in Indiana and commissions the **Center for Evaluation and Education Policy** to complete the study. Keeps funding for summer school constant at \$18.36 million/year. Funds education service centers at \$2.32 million/year. Funds the Principals' Leadership Academy at \$462,832/year. The Technology Grant Program was funded at \$5 million for the biennium. Funds the School Business Officials Academy at \$150,000/year.

Commentary



The state budget that was passed by the Indiana General Assembly is one of the best I have seen in my 27 years in the State House. Almost \$600 million of new state funds will be available to the public schools during the next biennium. \$400 million will be new monies in the school distribution formula (3.7% statewide increase for both years). Currently, there are over 100 school corporations that are receiving less state aid in 2007 than they did in 2006. For the next two years, only nine corporations will receive fewer funds. That is a great improvement. Changing the complexity index in the formula was a significant move and no guarantee in the formula allows the calculation to work properly. For categorical funding, the increases in textbook reimbursement for free and reduced lunch students and for the remediation program were greatly appreciated. The \$75 million in new funds for the full-day kindergarten grant is also a significant element of the budget. And, the creation of the Indiana School Business Official Leadership Academy will pay dividends in the future for advanced training for school business officials. Overall, this was a most positive budget for the public schools.

Denny Costerison

Executive Director

Indiana Association of School Business Officials



Perspectives

On the Key K-12 Legislation of 2007

House Bill 1001 (continued)

Commentary (continued)

Bush: *HB 1001 is too voluminous to provide a sentence or two of reflection, except to state that it provides the best public school funding in recent times, and it advances FDK to another level, approaching eventually a program for all students statewide.*

Clark: *The 2008 and 2009 state budget is positive for public education, in light of the state's revenue forecasts. Two major issues were only partially resolved: (1) Full-day kindergarten funding is insufficient for statewide implementation, and (2) The failure to separate testing from remediation funding makes it possible that the increased appropriation for remediation will never actually be spent to help students, but rather will be expended for more ISTEP testing. Since 2002, the Grade 3-9 remediation appropriation has been reduced by 50% to pay for more ISTEP testing.*

Ellis: *HB 1001 provides more fiscal support to public schools than we have seen in a long time. The substantial increase to support the growing demands of English as a Second Language students is especially appreciated. FDK can now have an opportunity to get off the back burner for many districts.*

Holt: *The state budget was a series of lost opportunities in education. The Senate version of the budget included a scholarship tax credit for individuals and employers to donate funding to a scholarship granting organization to assist students to attend the school of their choice. That provision was taken out. Virtual charter schools, an important education innovation that fostered distance learning, also were eliminated. A preschool program, which was never debated in public, was added to the budget without first fully funding full-day kindergarten. Finally, FinMars was slipped out of the budget, effectively stopping a system designed to move toward accrual accounting (from cash accounting) and providing transparency in school spending. All in all, the budget was a step back for education.*

Rose: *A budget bill that provides tuition support in the 6.6% to 6.8% range is a welcome change from the budgets of recent years. The \$92.0 million dollars provided for full-day kindergarten gives important impetus to this program and virtually makes it certain that full-day kindergarten for all is not far away. Full funding of the textbook program is another positive step. On the negative side is the combining of testing and remediation in the same line. This may mean that testing will eat up the money and leave remediation underfunded. There are also too many corporations that are not funded at levels needed simply to maintain program levels. This budget should not be regarded a single step in the direction in which we need to be going.*



Perspectives

On the Key K-12 Legislation of 2007

House Bill 1059

Title:

Holocaust Education

Authors:

Kersey, Bosman, Klinker, Porter, Robertson

Sponsors:

Lubbers, Skinner, Delph

Effective Date:

July 1, 2007

Summary

Beginning with the 2007-08 school year, requires each school corporation to include a study of the Holocaust in each high school United States history course.

Commentary



HB 1059 codifies a requirement that high school U.S. History courses incorporate a study of the Holocaust without prescribing the precise content of the instruction. The legislation establishes an expectation that students should learn about both the progress as well as the inhumanity of mankind, including slavery and the treatment of Native Americans.

Dan Clark
Deputy Director for Programs
Indiana State Teachers Association

Bush: *HB 1059 may prove to be beneficial in reminding students of the effects of an uncontrolled government and thus the devastating impact on humankind.*

Holt: *Anything that helps create awareness of the travesties of the Holocaust is a positive for student learning.*

Rose: *A study of the Holocaust should be part of the curriculum and this will guarantee that that is the case. It would be hoped that, as time passes, some flexibility could be provided as to the course in which the instruction takes place.*



Perspectives

On the Key K-12 Legislation of 2007

House Bill 1116

Title:

Immunity, Volunteer Health Aides for Diabetic Students and Emergency Procedures Training for Teachers

Authors:

Cheatham, Klinker, Dermody, Duncan

Sponsors:

Landske, Rogers

Effective Date:

July 1, 2007

Summary

Requires an individual to have training in cardiopulmonary resuscitation (CPR), removing obstructions to a person's airway, and the Heimlich maneuver before obtaining an initial license as a teacher. Provides a governmental entity or an employee acting within the scope of the employee's employment immunity from a loss resulting from the operation of an authorized emergency vehicle under certain circumstances. Establishes a training program for school nurses and for school employees who volunteer to assist students with diabetes in managing and treating the diabetes. Sets forth requirements for individualized health plans for students who will be managing and treating diabetes while at school or school activities. Requires a school corporation to report information on the number of students with chronic diseases and the number of school nurses. Requires the Department of Education to report certain information to the health finance commission.

Commentary



Friendly fire comes into play here in that friends of the public schools, with all the best intentions, have launched schools into assisting students in managing their health problems. The idea would be a good one if schools were prepared to take in on. They are not. Fully a third of the schools do not have school nurses. Administrators and teachers, already stressed by the demands of NCLB and Public Law 221, have no additional time to give to this effort and no funding is provided to help to build the capacity needed to react.

Lowell Rose

Consultant to the Indiana Urban Schools

Bush: *HB 1116 focuses on just one illness but responsibly expands the emphasis to examining all the potential illnesses impacting children and thus impeding their learning environment. Indiana may have 250k+ students who will eventually need such statutory language to assist each one with his or her illness. Student achievement can only be enhanced if the student can overcome an illness enough to attend to learning. One possible outcome of this law, which could be considered a pilot project for other illnesses, is that the state could begin to foster prevention rather than after-the-fact treatment or voluntary service.*

Clark: *HB 1116 requires training in basic safety procedures as a part of preservice teacher training programs. The bill also updates medical care of students with diabetes in light of the emerging science of diabetic care so that school absences can be minimized. The need for more school nurses was also highlighted during the testimony.*

Ellis: *HB 1116 has created the most stir among schools, who are concerned about implementation issues and demands placed on what they see as already overburdened areas.*



Perspectives

On the Key K-12 Legislation of 2007

House Bill 1428

Title:

Autism and Asperger's Training for School Personnel

Authors:

Murphy, Hoy, Robertson

Sponsors:

Lubber, Miller, Errington

Effective Date:

July 1, 200

Summary

Requires every school corporation police officer or regular or special police officer assigned to a school to complete training on autism and Asperger's syndrome. Allows a governing body to adjourn its schools to allow teachers, school administrators, and paraprofessionals to participate in a basic or inservice course of education and training on autism.

Commentary



HEA 1428 is needed to alert school police of behavior syndromes to better serve the needs of a specific student.

Frank Bush
Executive Director
Indiana School Boards Association

Rose: *While adjourning school is always a questionable practice, efforts to make school people in general aware of the characteristics and challenges presented by autism is a worthwhile effort.*



Perspectives

On the Key K-12 Legislation of 2007

House Bill 1647

Title:

Twenty-First Century Scholarships; GEDs; Informational Graduation Rate

Authors:

Porter, Candelaria, Reardon, Behning, Robertson

Sponsors:

Lubbers, Alting, Sipes

Effective Date:

July 1, 2007

Summary

Expands eligibility for the 21st Century Scholars program to Grade 7 students, and, beginning with the 2008-09 school year, to Grade 6 students. Provides that an individual must be at least 18 or have withdrawn from school with permission to receive a GED diploma. Modifies the formula for determining graduation rates, and adds an informational five-year and six-year graduation rate determination.

Commentary



It is important to reduce any incentive for a student to drop out of high school. Allowing a student who is below the dropout age of 18 to obtain a GED encourages such activity. This bill also builds on the progress of legislation passed last year that increased the dropout age to age 18. Language was also added that will ensure an accurate graduation rate for schools, based on the same class of students instead of a student moving in and out of different classes. It also will provide the public with information on the fifth and sixth year graduates.

David Holt

Indiana Chamber Vice President of

Workforce Development Policy and Federal Relations



HB 1647 once again shows there are many ways to confuse the facts concerning "graduation" rates – the primary fact being confused here is that this does not provide for the calculation of graduation rates. Instead, it further mixes issues related to completion rates in our schools. Now any student in Indiana who has not earned a diploma within four years is considered a dropout, even if the student completes credits for graduation in their fifth year. Students who miss significant time in school due to medical illness or pregnancy and take five years to graduate are counted against the school's graduation rate. Students with special needs who are on certificates of completion will count against a school district's graduation rate, but are not dropouts. They are considered to have completed their educational program. More severely disadvantaged students who work towards an extended program that is in place until age twenty-one negatively impact the graduation rate calculation, although they may well complete their educational program as scheduled. A preliminary example from a high performing school district shows a graduation rate of 86% and a dropout rate of around 3-4%. Most of the students who are not considered graduates, and who are not dropouts, are the special needs students discussed above who will likely finish on the schedule established for them.

John Ellis

Executive Director of IAPSS

Indianapolis, Indiana

...continued on next page



Perspectives

On the Key K-12 Legislation of 2007

House Bill 1647 (continued)

Commentary (continued)

Students who have ceased to report to school due to relocating, but who refuse to notify the school district in writing are counted as dropouts. Students who complete a GED are not counted in the graduation rate, yet for some students, this is an outstanding accomplishment. Not every student fits into the four years and out format. If it takes five years, and they stay with it and complete their high school career successfully, why count this as a negative factor against the school's rate? Why call these calculations graduation rates at all?

*John Ellis
Executive director of IAPSS
Indianapolis, Indiana*

Bush: *HB 1647 will be useful in informing students at an earlier age of potential scholarships if they control their behavior while in school. The graduation rate expanded to the sixth year is needed to better assess school completion rather than the artificial 4-year graduation issue.*

Clark: *The inclusion of Grade 6 students in the 21st Century Scholars Program is welcomed now that most 6th grade students are in middle schools with 7th and 8th graders. The failure to include the House of Representatives provision regarding dual credit courses to be offered at high schools without additional tuition charges by colleges allows patterns of unfairness to families and in inequitable access to persist.*

Rose: *This bill is a case in which a positive idea, including 6th graders in the 21st Century Scholars Program, was made hostage to the desire of those who enjoy trashing the public schools to see lower graduation rates. Be clear that Representative Greg Porter is not culpable in this situation. No one who watched the passion with which he supported the change related to 6th graders could begrudge him his victory. The culprits are those who proposed the graduation rate changes. Those pushing the idea, obviously not public school supporters, waited until the hearing before Senate Education to bring the plan forward. The inanity of what they proposed and what was ultimately passed is demonstrated in the fact that students graduating early never count as graduates, but do count as non-graduates in the cohort in which they started. Itinerants enrolled in a school for only a short period of time will also count against the school. At the same time, those students completing the state-approved GED and those earning the Special Education Certificate for completing the program judged to be appropriate for the particular disability will count, not as graduates, but as non-graduates.*



Perspectives

On the Key K-12 Legislation of 2007

Center for Evaluation & Education Policy

**509 East Third Street
Bloomington, Indiana 47401
812-855-4438
Toll-Free in North America: 800-511-6575
Fax: 812-856-5890
E-mail CEEP: ceep@indiana.edu
Web Site: <http://ceep.indiana.edu/>**



INDIANA UNIVERSITY

SCHOOL OF EDUCATION