



INDIANA STATE BOARD OF EDUCATION

MEMORANDUM

To: Indiana State Board of Education
From: Brian Murphy
Date: July 29, 2015
RE: Rule Readoptions

Recommendation: Vote to readopt all of the rules set to expire this January. Staff will then post the readopted rules for public comment and bring this issue back to the SBOE for a final vote at the September meeting.

The list below includes some old AF rules. The new AF rule will be effective March 1, and at that time the old AF rules will all be void. Staff recommends readopting the old AF provisions to prevent a gap between January and March.

OVERVIEW AND RULE LIST:

When the SBOE adopts rules pursuant to the regular rulemaking process, they are effective for 7 years unless readopted for another 7 years by the SBOE. The rule readoption process goes like this:

- First, each year the Legislative Services Agency sends SBOE staff a list of SBOE rules set to expire January 1;
- SBOE staff then reviews the rules set to expire to determine if they should be readopted or let to expire, and provides a recommendation to the SBOE;
- the SBOE votes to approve a list of those rules it wants to readopt and staff publishes this list;
- a 35 day waiting period is triggered for public comment;
- The rules come back to the SBOE for final approval after the public comment period (comments are rare).
- SBOE staff files a Final Notice of Readoption with LSA and the rules are readopted.

NOTE: when in doubt it is better to readopt rules because the SBOE can always go back and repeal them later if needed.

The following is a list of rules set to expire this coming January:

- 511 IAC 5-1-3:
 - Article 5 - ACHIEVEMENT TESTS,
 - Rule 1 – Achievement on Tests of General Educational Development,
 - Section 3 - Authority to grant diploma.
- 511 IAC 5-1-4:
 - Section 4 -Testing centers and procedures.
- 511 IAC 5-1-4.5:
 - Section 4.5- Time limit.
- 511 IAC 6-7-7:
 - Article 6 – DRIVER EDUCATION,
 - Rule 7 – Graduation Requirements,
 - Section 7 – Correspondence courses
- 511 IAC 6-8-2:
 - Rule 8 – Nonstandard Courses and Curriculum Programs
 - Section 2 – Waiver to implement nonstandard courses and curriculum programs
- 511 IAC 6-8-3:
 - Section 3 – Application procedures; implementation of proposed courses or programs
- 511 IAC 6-8-4:
 - Section 4 – Application contents
- 511 IAC 6-8-5:
 - Section 5 – Relationship with performance-based accreditation
- 511 IAC 6-8-6:
 - Section 6 – Appeal to the board
- 511 IAC 6.2-6-8:
 - Article 6.2 – ACCOUNTABILITY (old AF rule)
 - Rule 6 – Assessing School Improvement and Performance
 - Section 8 – Disaggregated data and category placement
- 511 IAC 6.2-6-12:
 - Rule 12 – Appeal of category placement
- 511 IAC 6.2-7:
 - Rule 7 – Adequate Yearly Progress

The full text of these rules can be found at http://www.in.gov/legislative/iac/iac_title?iact=511