



# INDIANA STATE BOARD OF EDUCATION

## MEMORANDUM

**To:** Indiana State Board of Education  
**From:** Brian Murphy, Staff Attorney  
**Date:** September 23, 2014  
**RE:** Readoptions/Expiration of Rules

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## OVERVIEW:

Administrative rules adopted under IC 4-22-2 expire January 1 of the seventh year after the year in which the rule took effect. *See* IC 4-22-2.5. These rules may be readopted or allowed to expire. LSA has provided Board staff with a list of rules set to expire on January 1, 2015.

Readoption is much simpler than the rule promulgation process. The readoption process is as follows: 1) the Board must approve the initiation of the readoption process, 2) wait 30 days after the Notice of Intent to Readopt are published with LSA to allow any person to file a request that a particular rule be readopted separately, and 3) the Board must then approve the final readoption of the rules. Board staff will file the necessary paperwork and provide copies of the readopted rules in the correct format to LSA to be published. This process must be completed by December 2, 2014.

## TIMELINE:

- October 1, 2014 – Board approves initiation of the readoption process.
- October 1, 2014 – Board staff has arranged for the Notice of Intent to Readopt to be published with LSA on October 1, 2014 by the close of business.
- November 5, 2014 – Board approves of the final readoptions, or allows rules to expire.
- Board staff will file the readopted final rules with LSA and notify LSA of any rules that should be allowed to expire, before the December 2, 2014 deadline.

**RULES AND RECOMMENDATIONS:**

NOTE: The full text of rules can be found at [http://www.in.gov/legislative/iac/iac\\_title?iact=511](http://www.in.gov/legislative/iac/iac_title?iact=511).

**Board staff recommends readopting all rules set to expire at the end of this year. The list is as follows:**

- 511 IAC 5-1-2: Achievement on Tests of General Educational Development – Minimum Standards.
- 511 IAC 5-1-3.5: Honors Diploma – general educational development.
- 511 IAC 5-1-5: Report of Test Results – general educational development.
- 511 IAC 6.2-6-1: Relationship to Academic Standards.
- 511 IAC 6.2-6-11: Reporting Other Data – school performance report card.
- 511 IAC 7-32: Chapter 7 – Special Education Definitions.
- 511 IAC 7-33: General Provisions.
- 511 IAC 7-34: Nonpublic Schools or Facilities.
- 511 IAC 7-35: Program Planning and Evaluation.
- 511 IAC 7-36: General Administration of Programs.
- 511 IAC 7-37-2: Procedural Safeguards – Notice by Electronic Mail.
- 511 IAC 7-38: Confidentiality of Information.
- 511 IAC 7-39: Educational Surrogate Parents.
- 511 IAC 7-40: Identification and Evaluation.
- 511 IAC 7-41: Eligibility Criteria.
- 511 IAC 7-42: Determination of Special Education Services.
- 511 IAC 7-43: Related Services; Transitions; Transfer of Rights
- 511 IAC 7-44: Discipline Procedures.
- 511 IAC 7-45: Complaints, Mediation, and Due Process Procedures.
- 511 IAC 7-46: Child Count and Data Collection.
- 511 IAC 7-47: State Funding of Excess Costs.