



MEMORANDUM

TO: Indiana State Board of Education
FROM: Kirstie Andersen, Staff Attorney
DATE: July 25, 2013
RE: Readoption/Expiration of Rules

Overview:

Pursuant to IC 4-22-2.5, an administrative rule adopted under IC 4-22-2 expires January 1st of the seventh year after the year in which the rule took effect, unless the rule contains an earlier expiration date. Rules may be readopted or allowed to expire.

Readoption is a simple process that allows the SBOE to approve the continuation of a rule for another seven years or until the rule is amended or repealed. The readoption process is much simpler than the rule promulgation procedure because no changes to the existing rules are permitted when a rule is merely readopted.

The Legislative Services Agency ("LSA") has provided the department with a list of rules that are set to expire January 1, 2014. These rules are contained in articles of Title 511 of the Indiana Administrative Code. Please note that some of the articles listed below may contain rules or sections of rules that do not expire on January 1, 2014. It is permissible, however, to readopt an entire article or rule even if not all of the cites contained therein need to be readopted. The full text of the rules may be found in

the Indiana Administrative Code, http://www.in.gov/legislative/iac/iac_title?iact=511.¹

The rules and the affected statutes also are published in Indiana School Laws and Rules, a copy of which is at the Indiana Department of Education, Room 225, State House, Indianapolis.²

Timeline:

A readopted final rule must be filed with the LSA by December 2nd in order to be effective by the succeeding January 1st. In order to meet this year's deadline, the department proposes the following timeline:

- August 7, 2013 Present the rules set to expire on January 1, 2014, to the SBOE for initial discussion and questions
- September 4, 2013 Obtain approval from the SBOE to initiate the readoption process
- September 2013 Upon approval obtained from the SBOE at the September meeting, the department will file a Notice of Intent to Readopt the rules with the LSA
- September-October 2013 Filing the Notice of Intent to Readopt triggers a thirty-day waiting period during which time any person may submit a written request that a particular rule be readopted separately³

¹ Please note that this link is to Title 511 of the Indiana Administrative Code. To view a specific article, you must access Title 511 and then click on the link for the article. To view a specific rule, you must click on the article in which it is codified and then scroll through that article to find the rule.

² If you wish to review a copy of Indiana School of Laws and Rules, please contact Laura Naughton, State Board Administrator, at 317-232-6617 to schedule a time to do so.

³ See IC 4-22-2.5-4(a), which provides that "an agency may readopt all rules subject to expiration under this chapter under one (1) rule that lists all rules that are readopted by their titles and subtitles only." If, however,

a person submits to the agency a written request and the person's basis for the request that a particular rule be readopted separately from the readoption rule described in subsection (a), the agency must:

- (1) readopt that rule separately from the readoption rule described in subsection (a); and

- November 6, 2013 Obtain approval from the SBOE for final readoption of the rules, or in the alternative, to allow any particular rule to expire
- Prior to December 2, 2013 The department will file the readopted final rules with LSA and notify LSA of any rules that should be allowed to expire

Rules and Recommendations:

Readopt:

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| 511 IAC 1-2-1 | Definitions under Teacher Summer Employment Tax Credits |
| 511 IAC 1-2-2 | Qualified position certificate |
| 511 IAC 1-2-3 | Teachers employed in shortage area; verification |
| 511 IAC 1-2.5-3 | Petition for advancement under the School Technology Advancement Account |
| 511 IAC 1-2.5-4 | Formula for advancement under the School Technology Advancement Account |
| 511 IAC 1-6-5 | Payment of transfer tuition; interest; due date; determination of penalty, interest |
| 511 IAC 1-7-1 | Residence in state longer than 30 days—compulsory school attendance required |
| 511 IAC 1-8-7.5 | Prime Time qualifications and duties of instructional aides |
| 511 IAC 3-1-1 | School population requirement for reorganized school corporations |
| 511 IAC 4-2-2 | Lead poisoning testing methods (promulgated jointly with the State Board of Health per statute) |
| 511 IAC 4-2-3 | Sickle cell anemia testing equipment and procedures (promulgated jointly with the State Board of Health per statute) |

(2) follow the procedure for adoption of administrative rules under IC 4-22-2 with respect to the rule.

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| 511 IAC 4-4 | Education Service Centers' purpose; membership units, establishment; governance, executive boards, advisory councils; programs and services, coordination; fiscal responsibility, administration costs, withdrawal of corporation, and financial support |
| 511 IAC 5-4-1 | Participation in national assessment for educational progress testing |
| 511 IAC 5-4-2 | Participation in international mathematics and science study testing |
| 511 IAC 6-7-9 | Military experience in meeting high school graduation requirements |
| 511 IAC 6-10-1 | Definitions for Postsecondary Enrollment Program |
| 511 IAC 6-10-4 | Local policies for implementing Postsecondary Enrollment Programs |
| 511 IAC 6.1-1-10 | Recommendations of the on-site review panel regarding school accreditation |
| 511 IAC 6.1-1-14 | Recommendations to the general assembly concerning the operation and administration of school corporations after failure to obtain full accreditation status following probationary accreditation |
| 511 IAC 6.1-2-1 | General health and safety requirements |
| 511 IAC 6.1-2-2.5 | Safe schools and emergency preparedness planning |
| 511 IAC 6.1-2-6 | Student services under 511 IAC 5-1.5 shall be provided |
| 511 IAC 6.1-5 | Required curriculum offerings: state textbook adoption, media programs, special education, special education, appropriate instruction to limited-English proficient students, homework policies, policies prohibiting retaining students for sole purpose of improving students' ability to participate in extracurricular athletic programs |
| 511 IAC 6.1-6-1 | Instructional staff requirements for school personnel |
| 511 IAC 6.1-6-2 | Staff performance evaluation requirements |
| 511 IAC 6.1-9 | Definitions, recognition, system, procedures, revocation, right |

of appeal, school mission, governance, curriculum, personnel, facilities, and advisory committee for nonpublic schools

511 IAC 6.2-1-1

Applicability of school performance and improvement; accountability provisions to schools

511 IAC 6.2-2

Definitions for school performance and improvement; accountability

511 IAC 6.2-3

Strategic and Continuous School Improvement and Achievement Plan objectives, waivers, components, inclusion of additional information in plan, and development

511 IAC 6.2-4

Definition, approval, core principles and grant requirements of a Professional Development Program

511 IAC 12-2

Regular Summer School Program reimbursement, approval of classes, teachers, tuition, high school credit, minimum enrollment required

Allow to Expire:

511 IAC 4-2-1

Visual acuity testing; equipment and procedures; reports

- conflicts with amendments made to the statute regarding vision testing and school corporations (see IC 20-34-3-12 and 20-34-2-13)

511 IAC 4-2-1.1

Visual acuity testing; modified clinical technique

- conflicts with amendments made to the statutes regarding vision testing and school corporations (see IC 20-34-3-12 and 20-34-2-13)

511 IAC 9

Textbook Adoptions

- during the SBOE meeting on June 1, 2011, the SBOE approved the rulemaking process to repeal 511 IAC 9
- a notice of intent to repeal 511 IAC 9 was posted on July 27, 2011, but subsequently was withdrawn on July 11, 2012

511 IAC 11

Adult Education

- during the SBOE meeting on April 6, 2011, the SBOE approved the rulemaking process to repeal 511 IAC 11 due to transition of responsibilities from the department

- to the Department of Workforce Development
- during the SBOE meeting on August 3, 2011, the SBOE approved the initiation of rulemaking to repeal 511 IAC 11
 - a notice of intent to repeal 511 IAC 11 was posted on August 10, 2011, but subsequently was withdrawn on July 11, 2012