

SENATE BILL No. 282

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-8.1-6.1-5; IC 20-8.1-6.1-5.5; IC 21-3-1.6-1.1; IC 31-34-15-17.

Synopsis: Transfer tuition for certain children. Provides that the state pays the transfer tuition of a child who is placed in a state licensed private or public health care facility, child care facility, or foster family home: (1) by or with the consent of the division of family and children; (2) by a court order; or (3) by a child-placing agency licensed by the division of family and children; when the facility or home is located in a school corporation in which the child does not have legal settlement. Establishes a procedure for school corporations to claim transfer tuition. Makes corresponding changes to related sections. Provides that whenever a child in need of services is placed out-of-home, the county office of family and children shall notify the court before the child is
(Continued next page)

Effective: July 1, 1998.

Server, Sipes

January 7, 1998, read first time and referred to Committee on Education.



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Digest Continued

transferred to the subsequent out-of-home placement. Makes an exception if the subsequent out-of-home placement is an emergency in which case the county office is required to notify the court not more than 24 hours, excluding weekends and holidays, after the child is transferred to the emergency out-of-home placement. Requires that whenever the court is notified that the child is transferred to a subsequent out-of-home placement, the court shall order a lower rate of reimbursement with regard to the child's placement whenever appropriate. (The introduced version of this bill was prepared by the interim study committee on education issues.)

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Introduced

Second Regular Session 110th General Assembly (1998)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1997 General Assembly.

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SENATE BILL No. 282

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 20-8.1-6.1-5, AS AMENDED BY P.L.119-1996,
2 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 1998]: Sec. 5. (a) A student who is placed in a state licensed
4 private or public health care facility, child care facility, or foster family
5 home:
6 (1) by or with the consent of the division of family and children;
7 (2) by a court order; or
8 (3) by a child-placing agency licensed by the division of family
9 and children;
10 may attend school in the school corporation in which the home or
11 facility is located. If the school corporation in which the home or
12 facility is located is not the school corporation in which the student has
13 legal settlement, the school corporation in which the student ~~has legal~~
14 ~~settlement shall pay the transfer tuition of the student.~~ **attends school**
15 **shall claim reimbursement for the student's tuition under**



1 **subsection (d).**

2 (b) A student who is placed in a state licensed private or public
3 health care or child care facility by a parent or guardian may attend
4 school in the school corporation in which the facility is located if:

5 (1) the placement is necessary for the student's physical or
6 emotional health and well-being; and

7 (2) the placement is for no less than four (4) weeks.

8 The school corporation in which the student has legal settlement shall
9 pay the transfer tuition of the student. The parent or guardian of the
10 student shall notify the school corporation in which the facility is
11 located and the school corporation of the student's legal settlement, if
12 identifiable, of the placement. No later than thirty (30) days after this
13 notice, the school corporation of legal settlement shall either pay the
14 transfer tuition of the transferred student or appeal the payment by
15 notice to the department of education. The acceptance or notice of
16 appeal by the school corporation shall be given by certified mail to the
17 parent or guardian of the student and any affected school corporation.
18 In the case of a student who is not identified as disabled under
19 IC 20-1-6, the Indiana state board of education shall make a
20 determination on transfer tuition in accordance with the procedures set
21 out in section 10 of this chapter. In the case of a student who has been
22 identified as disabled under IC 20-1-6, the determination on transfer
23 tuition shall be made in accordance with this subsection and the
24 procedures adopted by the Indiana state board of education under
25 IC 20-1-6-2.1(a)(5).

26 (c) A student who is placed in:

27 (1) an institution operated by the division of disability, aging, and
28 rehabilitative services or the division of mental health; or

29 (2) an institution, a public or private facility, a home, a group
30 home, or an alternative family setting by the division of disability,
31 aging, and rehabilitative services or the division of mental health;

32 may attend school in the school corporation in which the institution is
33 located. The state shall pay the transfer tuition of the student, unless
34 another entity is required to pay the transfer tuition as a result of a
35 placement described in subsection ~~(a)~~ or (b) or another state is
36 obligated to pay the transfer tuition.

37 **(d) The state shall pay the transfer tuition of a student described**
38 **in subsection (a) through a fund administered by the department.**
39 **The department shall pay to a school corporation an amount equal**
40 **to the transfer tuition to which the school corporation is entitled**
41 **for the number of school days each student described in subsection**
42 **(a) was enrolled in the school corporation.**



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1 (e) To claim transfer tuition under subsection (d), a school
2 corporation shall, at the end of a school year, report to the
3 department the following:

4 (1) Concerning the students described in subsection (a) who
5 were enrolled in the school corporation on the date on which
6 the ADM for the school year was determined:

7 (A) the number of students who remained in the school
8 corporation for the entire school year; and

9 (B) for a student who was not enrolled in the school
10 corporation for the entire school year, the number of
11 school days for which the student was enrolled.

12 (2) Concerning the students described in subsection (a) who
13 were enrolled in the school corporation after the date on
14 which the ADM for the school year was determined, the
15 number of school days each student was enrolled in the school
16 corporation.

17 (f) This subsection applies to the transfer tuition paid for a
18 student described in subsection (e)(1)(B). A school corporation
19 shall reimburse to the department the amount of transfer tuition
20 paid for a student to whom this subsection applies for the number
21 of school days during which the student was not enrolled in the
22 school corporation.

23 SECTION 2. IC 20-8.1-6.1-5.5, AS ADDED BY P.L.340-1995,
24 SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 JULY 1, 1998]: Sec. 5.5. (a) This section applies to each student

26 ~~(1)~~ described in section 5(a) of this chapter

27 ~~(2)~~ who is placed in a home or facility in Indiana that is outside
28 the school corporation where the student has legal settlement. ~~and~~

29 ~~(3)~~ for which the state is not obligated to pay transfer tuition.

30 (b) Not later than ten (10) days after a county places or changes the
31 placement of a student, the county that placed the student shall notify
32 the school corporation where the student has legal settlement and the
33 school corporation where the student will attend school of the
34 placement or change of placement. Before June 30 of each year, a
35 county that places a student in a home or facility shall notify the school
36 corporation where a student has legal settlement and the school
37 corporation in which a student will attend school if a student's
38 placement will continue for the ensuing school year. The notifications
39 required under this subsection shall be made by the:

40 (1) county office (as defined in IC 12-7-2-45) if the county office
41 or the division of family and children placed or consented to the
42 placement of the student; or

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(2) the court or other agency making the placement, if subdivision (1) does not apply.

SECTION 3. IC 21-3-1.6-1.1, AS AMENDED BY P.L.2-1997, SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 1.1. As used in this chapter:

(a) "School corporation" means any local public school corporation established under Indiana law.

(b) "School year" means a year beginning July 1 and ending the next succeeding June 30.

(c) "State distribution" due a school corporation means the amount of state funds to be distributed to a school corporation in any calendar year under this chapter.

(d) "Average daily membership" or "ADM" of a school corporation means the number of eligible pupils enrolled in the school corporation or in a transferee corporation on a day to be fixed annually by the Indiana state board of education. Such day shall fall within the first thirty (30) days of the school term. If, however, extreme patterns of student in-migration, illness, natural disaster, or other unusual conditions in a particular school corporation's enrollment on the particular day thus fixed, cause the enrollment to be unrepresentative of the school corporation's enrollment throughout a school year, the Indiana state board of education may designate another day for determining the school corporation's enrollment. The Indiana state board of education shall monitor changes, which occur after the fall count, in the number of students enrolled in programs for children with disabilities and shall, before December 2 of that same year, make an adjusted count of students enrolled in programs for children with disabilities. The superintendent of public instruction shall certify the adjusted count to the budget committee before February 5 of the following year. In determining the ADM, each kindergarten pupil shall be counted as one-half (1/2) pupil. Where a school corporation commences kindergarten in a school year, the ADM of the current and prior calendar years shall be adjusted to reflect the enrollment of the kindergarten pupils. "Current ADM" of a school corporation used in computing its state distribution in a calendar year means the ADM of the school year ending in the calendar year. "ADM of the previous year" or "ADM of the prior year" of a school corporation used in computing its state distribution in a calendar year means the ADM of the school corporation for the school year ending in the preceding calendar year.

(e) "Additional count" of a school corporation, or comparable language, means the aggregate of the additional counts of the school

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1 corporation for certain pupils as set out in section 3 of this chapter and
 2 as determined at the times for calculating ADM. "Current additional
 3 count" means the additional count of the school corporation for the
 4 school year ending in the calendar year. "Prior year additional count"
 5 of a school corporation used in computing its state distribution in a
 6 calendar year means the additional count of the school corporation for
 7 the school year ending in the preceding calendar year.

8 (f) "Adjusted assessed valuation" of any school corporation used in
 9 computing state distribution for a calendar year means the assessed
 10 valuation in the school corporation, adjusted as provided in
 11 IC 6-1.1-34. The amount of the valuation shall also be adjusted
 12 downward by the state board of tax commissioners to the extent it
 13 consists of real or personal property owned by a railroad or other
 14 corporation under the jurisdiction of a federal court under the federal
 15 bankruptcy laws (11 U.S.C. 101 et seq.) if as a result of the corporation
 16 being involved in a bankruptcy proceeding the corporation is
 17 delinquent in payment of its Indiana real and personal property taxes
 18 for the year to which the valuation applies. If the railroad or other
 19 corporation in some subsequent calendar year makes payment of the
 20 delinquent taxes, then the state superintendent of public instruction
 21 shall prescribe adjustments in the distributions of state funds pursuant
 22 to this chapter as are thereafter to become due to a school corporation
 23 affected by the delinquency as will ensure that the school corporation
 24 will not have been unjustly enriched under the provisions of
 25 P.L.382-1987(ss).

26 (g) "General fund" means a school corporation fund established
 27 under IC 21-2-11-2.

28 (h) "Teacher" means every person who is required as a condition of
 29 employment by a school corporation to hold a teacher's license issued
 30 or recognized by the state, except substitutes and any person paid
 31 entirely from federal funds.

32 (i) "Teacher ratio" of a school corporation used in computing state
 33 distribution in any calendar year means the ratio assigned to the school
 34 corporation pursuant to section 2 of this chapter.

35 (j) "Eligible pupil" means a pupil enrolled in a school corporation
 36 if:

- 37 (1) the school corporation has the responsibility to educate the
- 38 pupil in its public schools without the payment of tuition;
- 39 (2) ~~subject to subdivision (5)~~; the school corporation has the
- 40 responsibility to pay transfer tuition under IC 20-8.1-6.1 because
- 41 the pupil is transferred for education to another school
- 42 corporation (the "transferee corporation");



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1 (3) the pupil is enrolled in a school corporation as a transfer
 2 student under IC 20-8.1-6.1-3 or entitled to be counted for ADM
 3 or additional count purposes as a resident of the school
 4 corporation when attending its schools under any other applicable
 5 law or regulation; or

6 (4) the state is responsible for the payment of transfer tuition to
 7 the school corporation for the pupil under IC 20-8.1-6.1. or

8 (5) all of the following apply:

9 (A) The school corporation is a transferee corporation.

10 (B) The pupil does not qualify as a qualified pupil in the
 11 transferee corporation under subdivision (3) or (4).

12 (C) The transferee corporation's attendance area includes a
 13 state licensed private or public health care facility; child care
 14 facility; or foster family home where the pupil was placed:

15 (i) by or with the consent of the division of family and
 16 children;

17 (ii) by a court order; or

18 (iii) by a child placing agency licensed by the division of
 19 family and children.

20 (k) "General fund budget" of a school corporation means the amount
 21 of the budget approved for a given year by the state board of tax
 22 commissioners and used by the state board of tax commissioners in
 23 certifying a school corporation's general fund tax levy and tax rate for
 24 the school corporation's general fund as provided for in IC 21-2-11.

25 SECTION 4. IC 31-34-15-17 IS ADDED TO THE INDIANA
 26 CODE AS A NEW SECTION TO READ AS FOLLOWS
 27 [EFFECTIVE JULY 1, 1998]: **Sec. 17. (a) Whenever the case plan
 28 for a child in need of services calls for an out-of-home placement
 29 and the child is transferred to a subsequent out-of-home
 30 placement, the county office shall notify the court before the child
 31 is transferred to the subsequent out-of-home placement. However,
 32 if the subsequent out-of-home placement of the child is an
 33 emergency, the county office shall notify the court not more than
 34 twenty-four (24) hours, excluding weekends and holidays, after the
 35 child is transferred to the emergency out-of-home placement.**

36 **(b) Whenever the court is notified of a subsequent out-of-home
 37 placement under this section, the court shall determine whether the
 38 rate of reimbursement, if any, paid with regard to the child's
 39 placement is appropriate. If the court determines that a lower rate
 40 of reimbursement is appropriate as a result of the transfer, the
 41 court shall order the lower rate.**



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