

SENATE BILL No. 288

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-8.1.

Synopsis: School expulsion and withdrawal. Provides that absence from school due to expulsion is no longer an exception to the compulsory school attendance law. Requires a student who wishes to withdraw from school before age 18 to have a passing score on the ISTEP graduation examination. Provides that a school corporation must continue to provide educational services to a student who is expelled. Allows a school corporation to provide educational services to a student who is expelled by placing the student in an alternative school or alternative school program, a homebound educational program, or a more restrictive environment in or outside the school, with the exception that educational services may not be provided in a traditional
(Continued next page)

Effective: July 1, 1998.

Miller

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

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Digest Continued

school setting to a student who is expelled for firearms or deadly weapons reasons. Provides that expelled students may not be removed from transfer tuition computations. Makes conforming amendments.

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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. 288

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 20-8.1-1-10, AS AMENDED BY P.L.61-1995,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 1998]: Sec. 10. (a) As used in this article, the term
4 "expulsion" means a disciplinary or other action whereby a student:
5 (1) is separated from school ~~attendance~~ for a period in excess of
6 ten (10) school days;
7 (2) is separated from school ~~attendance~~ for the balance of the
8 current semester or current year unless a student is permitted to
9 complete required examinations in order to receive credit for
10 courses taken in the current semester or current year; or
11 (3) is separated from school ~~attendance~~ for the period prescribed
12 under IC 20-8.1-5.1-10. ~~which may include an assignment to~~
13 ~~attend an alternative school; an alternative educational program;~~
14 ~~or a homebound educational program.~~
15 (b) The term does not include situations when a student is:



- 1 (1) disciplined under IC 20-8.1-5.1-18;
 2 (2) removed from school in accordance with IC 20-8.1-7-8; or
 3 (3) removed from school for failure to comply with the
 4 immunization requirements of IC 20-8.1-7-10.1.

5 SECTION 2. IC 20-8.1-3-17 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 17. (a) Subject to the
 7 specific exceptions under this chapter, each individual shall attend
 8 either a public school which the individual is entitled to attend under
 9 IC 20-8.1-6.1 or some other school which is taught in the English
 10 language.

11 (b) An individual is bound by the requirements of this chapter from
 12 the earlier of the date on which the individual officially enrolls in a
 13 school or, except as provided in subsection (h), the beginning of the fall
 14 school term for the school year in which the individual becomes seven
 15 (7) years of age until the date on which the individual:

- 16 (1) graduates;
 17 (2) reaches at least sixteen (16) years of age but who is less than
 18 eighteen (18) years of age and the requirements under subsection
 19 (j) concerning **the graduation examination and** an exit interview
 20 are met enabling the individual to withdraw from school before
 21 graduation; or
 22 (3) reaches at least eighteen (18) years of age;

23 whichever occurs first.

24 (c) An individual who:

- 25 (1) enrolls in school before the fall school term for the school year
 26 in which the individual becomes seven (7) years of age; and
 27 (2) is withdrawn from school before the school year described in
 28 subdivision (1) occurs;

29 is not subject to the requirements of this chapter until the individual is
 30 reenrolled as required in subsection (b). Nothing in this section shall
 31 be construed to require that a child complete grade 1 before the child
 32 reaches eight (8) years of age.

33 (d) An individual for whom education is compulsory under this
 34 section shall attend school each year:

- 35 (1) for the number of days public schools are in session in the
 36 school corporation in which the individual is enrolled in Indiana;
 37 or
 38 (2) if the individual is enrolled outside Indiana, for the number of
 39 days the public schools are in session where the individual is
 40 enrolled.

41 (e) In addition to the requirements of subsections (a) through (d), an
 42 individual must be at least five (5) years of age on

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1 (1) July 1 of the ~~1991-92~~ school year; or

2 (2) June 1 of the ~~1992-93~~ school year or any subsequent school
3 year;

4 to officially enroll in a kindergarten program offered by a school
5 corporation. However, subject to subsection (g), the governing body of
6 the school corporation shall adopt a procedure affording a parent of an
7 individual who does not meet the minimum age requirement set forth
8 in this subsection the right to appeal to the superintendent of the school
9 corporation for enrollment of the individual in kindergarten at an age
10 earlier than the age that is set forth in this subsection.

11 (f) In addition to the requirements of subsections (a) through (e),
12 and subject to subsection (g), if an individual enrolls in school as
13 permitted under subsection (b) and has not attended kindergarten, the
14 superintendent of the school corporation shall make a determination as
15 to whether the individual shall enroll in kindergarten or grade 1 based
16 on the particular model assessment adopted by the governing body
17 under subsection (g).

18 (g) To assist the principal and governing bodies, the department
19 shall do the following:

20 (1) Establish guidelines to assist each governing body in
21 establishing a procedure for making appeals to the superintendent
22 of the school corporation under subsection (e).

23 (2) Establish criteria by which a governing body may adopt a
24 model assessment which will be utilized in making the
25 determination under subsection (f).

26 (h) If the parents of an individual who would otherwise be subject
27 to compulsory school attendance under subsection (b), upon request of
28 the superintendent of the school corporation, certify to the
29 superintendent of the school corporation that the parents intend to:

30 (1) enroll the individual in a nonaccredited, nonpublic school; or

31 (2) begin providing the individual with instruction equivalent to
32 that given in the public schools as permitted under

33 ~~IC 20-8.1-3-34;~~ **section 34 of this chapter;**

34 not later than the date on which the individual reaches seven (7) years
35 of age, the individual is not bound by the requirements of this chapter
36 until the individual reaches seven (7) years of age.

37 (i) The governing body of each school corporation shall designate
38 the appropriate employees of the school corporation to conduct the exit
39 interviews for students described in subsection (b)(2). Each exit
40 interview must be personally attended by:

41 (1) the student's parent or guardian;

42 (2) the student;



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1 (3) each designated appropriate school employee; and

2 (4) the student's principal.

3 (j) A student who is at least sixteen (16) years of age but less than
4 eighteen (18) years of age is bound by the requirements of compulsory
5 school attendance and may not withdraw from school before graduation
6 unless:

7 **(1) the student receives a passing score on the graduation
8 examination (as defined in IC 20-10.1-16-1.5);**

9 ~~(+)~~ **(2) the student, the student's parent or guardian, and the
10 principal agree to the withdrawal; and**

11 ~~(2)~~ **(3) at the exit interview, the student provides written
12 acknowledgment of the withdrawal and the student's parent or
13 guardian and the school principal each provide written consent for
14 the student to withdraw from school.**

15 (k) For the purposes of this section, "school year" has the meaning
16 set forth in IC 21-2-12-3(j).

17 SECTION 3. IC 20-8.1-5.1-24, AS ADDED BY P.L.131-1995,
18 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 JULY 1, 1998]: Sec. 24. If a student is suspended ~~or expelled~~ from
20 school or from any educational function under this chapter, the
21 student's absence from school because of the suspension ~~or expulsion~~
22 is not a violation of IC 20-8.1-3 or any other statute relating to
23 compulsory school attendance.

24 SECTION 4. IC 20-8.1-5.1-27 IS ADDED TO THE INDIANA
25 CODE AS A NEW SECTION TO READ AS FOLLOWS
26 [EFFECTIVE JULY 1, 1998]: **Sec. 27. (a) A school corporation must
27 continue to provide educational services to a student who is
28 expelled.**

29 **(b) Except as provided in subsection (c), a school corporation
30 may provide educational services to a student who is expelled by
31 placing the student in one (1) of the following:**

32 **(1) An alternative school or alternative school program.**

33 **(2) A homebound educational program.**

34 **(3) A more restrictive environment in or outside the school.**

35 **(c) A school corporation may not provide educational services
36 in a traditional school setting to a student who is expelled under
37 section 10 of this chapter.**

38 SECTION 5. IC 20-8.1-6.1-8, AS AMENDED BY
39 P.L.260-1997(ss), SECTION 58, IS AMENDED TO READ AS
40 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 8. (a) As used in this
41 section, the following terms have the following meanings:

42 (1) "Class of school" refers to a classification of each school or

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1 program in the transferee corporation by the grades or special
 2 programs taught at the school. Generally, these classifications are
 3 denominated as kindergarten, elementary school, middle school
 4 or junior high school, high school, and special schools or classes,
 5 such as schools or classes for special education, vocational
 6 training, or career education.

7 (2) "ADM" means the following:

8 (A) For purposes of allocating to a transfer student state
 9 distributions under IC 21-1-30 (primetime), "ADM" as
 10 computed under IC 21-1-30-2.

11 (B) For all other purposes, "ADM" as set forth in
 12 IC 21-3-1.6-1.1.

13 (3) "Pupil enrollment" means the following:

14 (A) The total number of students in kindergarten through
 15 grade 12 who are enrolled in a transferee school corporation
 16 on a date determined by the Indiana state board of education.

17 (B) The total number of students enrolled in a class of school
 18 in a transferee school corporation on a date determined by the
 19 Indiana state board of education.

20 However, a kindergarten student shall be counted under clauses
 21 (A) and (B) as one-half (1/2) a student.

22 (4) "Special equipment" means equipment that during a school
 23 year:

24 (A) is used only when a child with disabilities is attending
 25 school;

26 (B) is not used to transport a child to or from a place where the
 27 child is attending school;

28 (C) is necessary for the education of each child with
 29 disabilities that uses the equipment, as determined under the
 30 individualized instruction program for the child; and

31 (D) is not used for or by any child who is not a child with
 32 disabilities.

33 The Indiana state board of education may select a different date for
 34 counts under subdivision (3). However, the same date shall be used for
 35 all school corporations making a count for the same class of school.

36 (b) Each transferee corporation is entitled to receive for each school
 37 year on account of each transferred student, except a student
 38 transferred under section 3 of this chapter, transfer tuition from the
 39 transferor corporation or the state as provided in this chapter. Transfer
 40 tuition equals the amount determined under STEP THREE of the
 41 following formula:

42 STEP ONE: Allocate to each transfer student the capital

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1 expenditures for any special equipment used by the transfer
 2 student and a proportionate share of the operating costs incurred
 3 by the transferee school for the class of school where the transfer
 4 student is enrolled.

5 STEP TWO: If the transferee school included the transfer student
 6 in the transferee school's ADM for a school year, allocate to the
 7 transfer student a proportionate share of the following general
 8 fund revenues of the transferee school for, except as provided in
 9 clause (C), the calendar year in which the school year ends:

10 (A) The following state distributions that are computed in any
 11 part using ADM or other pupil count in which the student is
 12 included:

13 (i) Primetime grant under IC 21-1-30.

14 (ii) Tuition support for basic programs and at-risk weights
 15 under IC 21-3-1.7-8 (before January 1, 1996) and only for
 16 basic programs (after December 31, 1995).

17 (iii) Enrollment growth grant under IC 21-3-1.7-9.5.

18 (iv) At-risk grant under IC 21-3-1.7-9.7.

19 (v) Academic honors diploma award under IC 21-3-1.7-9.8.

20 (vi) Vocational education grant under IC 21-3-1.8-3.

21 (vii) Special education grant under IC 21-3-1.8 (repealed
 22 January 1, 1996) or IC 21-3-10.

23 (viii) The portion of the ADA flat grant that is available for
 24 the payment of general operating expenses under
 25 IC 21-3-4.5-2(b)(1).

26 (B) For school years beginning after June 30, 1997, property
 27 tax levies.

28 (C) For school years beginning after June 30, 1997, excise tax
 29 revenue (as defined in IC 21-3-1.7-2) received for deposit in
 30 the calendar year in which the school year begins.

31 (D) For school years beginning after June 30, 1997, allocations
 32 to the transferee school under IC 6-3.5.

33 STEP THREE: Determine the greater of:

34 (A) zero (0); or

35 (B) the result of subtracting the STEP TWO amount from the
 36 STEP ONE amount.

37 If a child is placed in an institution or facility in Indiana under a court
 38 order, the institution or facility shall charge the county office of the
 39 county of the student's legal settlement under IC 12-19-7 for the use of
 40 the space within the institution or facility (commonly called capital
 41 costs) that is used to provide educational services to the child based
 42 upon a prorated per student cost.



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1 (c) Operating costs shall be determined for each class of school
 2 where a transfer student is enrolled. The operating cost for each class
 3 of school is based on the total expenditures of the transferee
 4 corporation for the class of school from its general fund expenditures
 5 as specified in the classified budget forms prescribed by the state board
 6 of accounts. This calculation excludes:

- 7 (1) capital outlay;
 8 (2) debt service;
 9 (3) costs of transportation;
 10 (4) salaries of board members;
 11 (5) contracted service for legal expenses; and
 12 (6) any expenditure which is made out of the general fund from
 13 extracurricular account receipts;

14 for the school year.

15 (d) The capital cost of special equipment for a school year is equal
 16 to:

- 17 (1) the cost of the special equipment; divided by
 18 (2) the product of:
 19 (A) the useful life of the special equipment, as determined
 20 under the rules adopted by the Indiana state board of
 21 education; multiplied by
 22 (B) the number of students using the special equipment during
 23 at least part of the school year.

24 (e) When an item of expense or cost described in subsection (c)
 25 cannot be allocated to a class of school, it shall be prorated to all
 26 classes of schools on the basis of the pupil enrollment of each class in
 27 the transferee corporation compared to the total pupil enrollment in the
 28 school corporation.

29 (f) Operating costs shall be allocated to a transfer student for each
 30 school year by dividing:

- 31 (1) the transferee school corporation's operating costs for the class
 32 of school in which the transfer student is enrolled; by
 33 (2) the pupil enrollment of the class of school in which the
 34 transfer student is enrolled.

35 When a transferred student is enrolled in a transferee corporation for
 36 less than the full school year of pupil attendance, the transfer tuition
 37 shall be calculated by the portion of the school year for which the
 38 transferred student is enrolled. A school year of pupil attendance
 39 consists of the number of days school is in session for pupil attendance.
 40 A student, regardless of the student's attendance, is enrolled in a
 41 transferee school unless the student is no longer entitled to be
 42 transferred because of a change of residence ~~the student has been~~



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1 ~~excluded or expelled from school for the balance of the school year or~~
 2 ~~for an indefinite period;~~ or the student has been confirmed to have
 3 withdrawn from school. The transferor and the transferee corporation
 4 may enter into written agreements concerning the amount of transfer
 5 tuition due in any school year. Where an agreement cannot be reached,
 6 the amount shall be determined by the Indiana state board of education,
 7 and costs may be established, when in dispute, by the state board of
 8 accounts.

9 (g) A transferee school shall allocate revenues described in
 10 subsection (b) STEP TWO to a transfer student by dividing:

- 11 (1) the total amount of revenues received; by
 12 (2) the ADM of the transferee school for the school year that ends
 13 in the calendar year in which the revenues are received.

14 However, for state distributions under IC 21-1-30, IC 21-3-10, or any
 15 other statute that computes the amount of a state distribution using less
 16 than the total ADM of the transferee school, the transferee school shall
 17 allocate the revenues to the transfer student by dividing the revenues
 18 that the transferee school is eligible to receive in a calendar year by the
 19 pupil count used to compute the state distribution.

20 (h) In lieu of the payments provided in subsection (b), the transferor
 21 corporation or state owing transfer tuition may enter into a long term
 22 contract with the transferee corporation governing the transfer of
 23 students. This contract is for a maximum period of five (5) years with
 24 an option to renew, and may specify a maximum number of pupils to
 25 be transferred and fix a method for determining the amount of transfer
 26 tuition and the time of payment, which may be different from that
 27 provided in section 9 of this chapter.

28 (i) If the school corporation can meet the requirements of
 29 IC 21-1-30-5, it may negotiate transfer tuition agreements with a
 30 neighboring school corporation that can accommodate additional
 31 students. Agreements under this section may be for one (1) year or
 32 longer and may fix a method for determining the amount of transfer
 33 tuition or time of payment that is different from the method, amount,
 34 or time of payment that is provided in this section or section 9 of this
 35 chapter. A school corporation may not transfer a student under this
 36 section without the prior approval of the child's parent or guardian.

37 (j) If a school corporation experiences a net financial impact with
 38 regard to transfer tuition that is negative for a particular school year as
 39 described in IC 6-1.1-19-5.1, the school corporation may appeal for an
 40 excessive levy as provided under IC 6-1.1-19-5.1.

41 SECTION 6. IC 20-8.1-6.5-3 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 3. ~~Transfer Tuition.~~ (a)



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1 The transferee corporation shall be entitled to receive from the
2 transferor corporation transfer tuition for each transferred student for
3 each school year calculated in two (2) parts: operating cost and capital
4 cost. These shall be allocated on a per student basis separately for each
5 class of school.

6 (b) The operating cost for each class of school shall be based on the
7 total expenditures of the transferee corporation for such class from its
8 general fund expenditures as set out on the classified budget forms
9 prescribed by the state board of accounts, excluding from such
10 calculation capital outlay, debt service, costs of transportation, salaries
11 of board members, contracted service for legal expenses and any
12 expenditure which is made out of the general fund from extracurricular
13 account receipts, for the school year.

14 (c) The capital cost for each class of school shall consist of the
15 lesser of the following two (2) alternatives: Alternative one shall be
16 based on an amount equal to five percent (5%) of the cost of transferee
17 corporation's physical plant, equipment and all appurtenances thereto
18 (including but not limited to buildings, additions and remodeling
19 thereof, except ordinary maintenance, on-site and off-site
20 improvements such as walks, sewers, waterlines, drives, and
21 playgrounds) theretofore paid or obligated to be paid in the future out
22 of the general fund, capital projects fund, or debt service fund,
23 including but not limited to principal and interest and lease rental
24 payments (or out of funds which were legal predecessors to these
25 funds). Where any item of physical plant, equipment appurtenances, or
26 portion thereof is more than twenty (20) years old at the beginning of
27 the school year, the capital cost thereof shall be disregarded in making
28 such computation. Alternate two shall be based on the amount
29 budgeted from the general fund for capital outlay for physical plant,
30 equipment and appurtenances and the amounts levied for the debt
31 service fund and the capital projects fund, for the calendar year in
32 which the school year ends.

33 (d) Where an item of expense or cost cannot be allocated to a class
34 of school, it shall be prorated to all classes of schools on the basis of
35 the ADM of each class in the transferee corporation compared to the
36 total ADM therein.

37 (e) The transfer tuition for each student transferred for each school
38 year shall be calculated by dividing the transferee school corporation's
39 total operating costs and the total capital costs for the class of school
40 in which the student is enrolled by the ADM of students therein. Where
41 a transferred student is enrolled in a transferee corporation for less than
42 the full school year the transfer tuition shall be calculated by the

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1 proportion of such school year for which the transferred student is
2 enrolled. A school year for this purpose shall consist of the number of
3 days school is in session for pupil attendance. A student shall be
4 enrolled in a transferee school, whether or not ~~he~~ **the student** is in
5 attendance, unless ~~his~~ **the student's** residence is outside the area of
6 students transferred to the transferee corporation or ~~he has been~~
7 ~~excluded or expelled from school or~~ **the student** has been confirmed
8 as a school dropout. The transferor and transferee corporations may
9 enter into written agreements concerning the amount of transfer tuition.
10 Where an agreement cannot be reached the amount shall be determined
11 by the superintendent of public instruction, with costs to be established,
12 where in dispute, by the state board of accounts.

13 (f) The transferor corporation shall also pay the transferee
14 corporation, when billed, the amount of book rental due from
15 transferred students who are unable to pay the amount thereof. The
16 transferor corporation shall be entitled to collect the amount of such
17 book rental from the appropriate township trustee, from its own funds,
18 or from any other source, in the amounts and manner provided by
19 applicable law.

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