

January 23, 1998

SENATE BILL No. 349

DIGEST OF SB 349 (Updated January 21, 1998 6:16 pm - DI 71)

Citations Affected: IC 20-8.1.

Synopsis: Transfer tuition. Allows a school corporation to enter into an agreement to pay transfer tuition to a nonprofit corporation that educates children who have been placed in a health care facility. Adds provisions allowing a student who is placed in a state licensed private or public health care or child care facility by a parent or guardian to attend school in the school corporation in which the facility is located if the placement is for at least five instructional days. (Current law requires the placement to be for at least four weeks.) Provides that placement must be recommended by a physician.

Effective: July 1, 1998.

Wheeler

January 8, 1998, read first time and referred to Committee on Education.
January 22, 1998, amended, reported favorably — Do Pass.

SB 349—LS 6990/DI 73+



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January 23, 1998

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.

SENATE BILL No. 349

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

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1 (1) the placement is necessary for the student's physical or
 2 emotional health and well-being **and is recommended by a**
 3 **physician;** and

4 (2) the placement is for no less than ~~four (4) weeks~~: **five (5)**
 5 **consecutive instructional days or five (5) instructional days in**
 6 **the aggregate and is recommended by a physician.**

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

25 (c) A student who is placed in:

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

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

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

36 SECTION 2. IC 20-8.1-6.1-6.1 IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 6.1. (a) This section
 38 applies only:

39 (1) to children described in subsection (c)(2)(D);

40 (2) after the school corporation has made extensive efforts to
 41 provide a suitable educational program within the school
 42 corporation to the child described in subsection ~~(c)(2)(D)~~;



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- 1 **(c)(2)(D)(i) through (c)(2)(D)(iii); and**
 2 (3) after the school corporation determines that the child cannot
 3 be served by the school corporation and as a last resort can be
 4 best served by placement with the not-for-profit corporation.
 5 (b) The school corporation shall maintain records concerning the
 6 efforts made by the school corporation to provide the educational
 7 program within the school corporation to the child as required under
 8 subsection (a).
 9 (c) A school corporation may enter into an agreement with:
 10 (1) a not-for-profit corporation that operates a federally approved
 11 education program; or
 12 (2) a not-for-profit corporation that:
 13 (A) is exempt from federal income taxation under Section
 14 501(c)(3) of the Internal Revenue Code;
 15 (B) for its classroom instruction, employs teachers who are
 16 certified by the state board of education;
 17 (C) employs other professionally and state licensed staff as
 18 appropriate; and
 19 (D) educates children who:
 20 (i) have been suspended, expelled, or excluded from a public
 21 school in that school corporation and have been found to be
 22 emotionally disturbed;
 23 (ii) have been placed with the not-for-profit corporation by
 24 court order; **or**
 25 (iii) have been referred by a local health department; **or**
 26 **(iv) have been placed in a state licensed private or public**
 27 **health facility care as described in section 5(d) of this**
 28 **chapter.**
 29 in order to provide a student with an individualized education
 30 program that is the most suitable educational program available.
 31 (d) If a school corporation enters into an agreement as described in
 32 subsection (c), the school corporation shall pay an amount agreed upon
 33 from the transfer tuition of the student to the not-for-profit corporation.
 34 **Rules and procedures adopted by the Indiana state board of**
 35 **education concerning the payment of transfer tuition apply to**
 36 **amounts paid under an agreement described in subsection (c).**

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COMMITTEE REPORT

Mr. President: The Senate Committee on Education, to which was referred Senate Bill 349, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, delete lines 1 through 6.

Page 2, line 8, delete ";" and insert "**and is recommended by a physician;**".

Page 2, line 9, strike "four (4) weeks." and insert "**five (5) consecutive instructional days or five (5) instructional days in the aggregate and is recommended by a physician.**".

Page 2, delete lines 39 through 42.

Page 3, delete lines 1 through 23.

Page 3, line 30, delete ", in the case of a child".

Page 3, line 32, delete ":".

Page 3, line 33, delete "(A)".

Page 3, run in lines 32 through 33.

Page 3, line 35, delete ", in the case of a child described in subsection" and insert ".".

Page 3, delete lines 36 through 40.

Page 4, line 1, reset in roman "the".

Page 4, line 1, delete "a".

Page 4, line 27, after "corporation." insert "**Rules and procedures adopted by the Indiana state board of education concerning the payment of transfer tuition apply to amounts paid under an agreement described in subsection (c).**".

Page 4, delete lines 28 through 42.

Delete page 5.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to Senate Bill 349 as introduced.)

WEATHERWAX, Chairperson

Committee Vote: Yeas 7, Nays 0.

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