

HOUSE BILL No. 1902

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-8.1-6.1.

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 or child care facility under certain circumstances. 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 projected to be for at least 14 consecutive days or at least an aggregate of 20 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, 1999.

Porter

January 26, 1999, read first time and referred to Committee on Education.

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First Regular Session 111th General Assembly (1999)

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 1998 General Assembly.

HOUSE BILL No. 1902

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 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. (a) A student who is
3 placed in a state licensed private or public health care facility, child
4 care facility, or foster family home:

- 5 (1) by or with the consent of the division of family and children;
- 6 (2) by a court order; or
- 7 (3) by a child-placing agency licensed by the division of family
8 and children;

9 may attend school in the school corporation in which the home or
10 facility is located. If the school corporation in which the home or
11 facility is located is not the school corporation in which the student has
12 legal settlement, the school corporation in which the student has legal
13 settlement shall pay the transfer tuition of the student.

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

- 17 (1) the placement is necessary for the student's physical or



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1 emotional health and well-being **and is recommended by a**
 2 **physician;** and

3 (2) the placement is **projected by a physician to be** for no less
 4 than ~~four (4) weeks~~; **fourteen (14) consecutive calendar days or**
 5 **an aggregate of twenty (20) calendar days.**

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

24 (c) A student who is placed in:

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

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

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

35 SECTION 2. IC 20-8.1-6.1-6.1 IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 6.1. (a) ~~This section~~
 37 ~~applies only:~~

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

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

42 (3) ~~after the school corporation determines that the child cannot~~

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1 be served by the school corporation and as a last resort can be
2 best served by placement with the not-for-profit corporation.

3 (b) The school corporation shall maintain records concerning the
4 efforts made by the school corporation to provide the educational
5 program within the school corporation to the child as required under
6 subsection (a).

7 (c) A school corporation may enter into an agreement with:

8 (1) a ~~not-for-profit~~ **nonprofit** corporation that operates a federally
9 approved education program; or

10 (2) a ~~not-for-profit~~ **nonprofit** corporation that:

11 (A) is exempt from federal income taxation under Section
12 501(c)(3) of the Internal Revenue Code;

13 (B) for its classroom instruction, employs teachers who are
14 certified by the ~~state board of education~~; **professional**
15 **standards board**;

16 (C) employs other professionally and state licensed staff as
17 appropriate; and

18 (D) educates children who:

19 (i) have been suspended, expelled, or excluded from a public
20 school in that school corporation and have been found to be
21 emotionally disturbed;

22 (ii) have been placed with the ~~not-for-profit~~ **nonprofit**
23 corporation by court order; ~~or~~

24 (iii) have been referred by a local health department; ~~or~~

25 (iv) **have been placed in a state licensed private or public**
26 **health care or child care facility as described in section**
27 **5(b) of this chapter**;

28 in order to provide a student with an individualized education program
29 that is the most suitable educational program available.

30 (d) (b) If a school corporation **that is a transferee corporation**
31 enters into an agreement as described in subsection (c); (a), the school
32 corporation shall pay **to the nonprofit corporation** an amount agreed
33 upon from the transfer tuition of the student. ~~to the not-for-profit~~
34 ~~corporation~~. **The amount agreed upon may not exceed the transfer**
35 **tuition costs that otherwise would be payable to a transferee**
36 **corporation when a school corporation entering into the agreement**
37 **is the school corporation in which the student has legal settlement.**

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