



January 30, 2004

---

---

## HOUSE BILL No. 1356

---

DIGEST OF HB 1356 (Updated January 27, 2004 1:09 pm - DI 109)

**Citations Affected:** IC 20-8.1.

**Synopsis:** Transfer tuition. Provides that a student who is placed in a facility, a home, or an institution may attend school in the school corporation in which the facility, home, or institution is located, and that the state is required to pay transfer tuition for the student if no other person or entity is required to pay the student's transfer tuition.

**Effective:** July 1, 2004.

---

---

### Scholar

---

---

January 15, 2004, read first time and referred to Committee on Education.  
January 29, 2004, reported — Do Pass; referred to Committee on Ways and Means pursuant to Rule 127.

---

---

C  
o  
p  
y

HB 1356—LS 7268/DI 71+



January 30, 2004

Second Regular Session 113th General Assembly (2004)

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 2003 Regular Session of the General Assembly.

C  
O  
P  
Y

## HOUSE BILL No. 1356



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.215-2001,  
2 SECTION 97, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2004]: 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:

HB 1356—LS 7268/DI 71+



- 1 (1) the placement is necessary for the student's physical or
- 2 emotional health and well-being and, if the placement is in a
- 3 health care facility, is recommended by a physician; and
- 4 (2) the placement is projected to be for no less than fourteen (14)
- 5 consecutive calendar days or an aggregate of twenty (20) calendar
- 6 days.

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 and
  - 28 addiction; 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 and addiction;

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

- 38 (d) A student:
  - 39 (1) who is placed in a facility, a home, or an institution
  - 40 described in subsection (a), (b), or (c); and
  - 41 (2) for whom there is no other entity or person required to
  - 42 pay transfer tuition;

COPY



1     **may attend school in the school corporation in which the facility,**  
2     **home, or institution is located. The state shall pay the transfer**  
3     **tuition for the student.**

**C  
o  
p  
y**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1356, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

PORTER, Chair

Committee Vote: yeas 13, nays 0.

**C  
o  
p  
y**

