April 8, 2011

ENGROSSED
HOUSE BILL No. 1341

DIGEST OF HB 1341 (Updated April 6, 2011 7:27 pm - DI 71)

Citations Affected: IC 20-43; noncode.

Synopsis: Special education grants. Requires a school corporation, including a charter school, to expend a proportionate share of its state special education grant on providing special education services to parentally placed nonpublic school students with disabilities.

Effective: January 1, 2011 (retroactive); upon passage.

Behning, Frizzell, Klinker

(SENATE SPONSORS — YODER, KRUSE)

January 13, 2011, read first time and referred to Committee on Education.
January 31, 2011, amended, reported — Do Pass.
February 7, 2011, read second time, ordered engrossed.
February 8, 2011, engrossed.
February 10, 2011, read third time, passed. Yeas 92, nays 1.

SENATE ACTION

February 17, 2011, read first time and referred to Committee on Education and Career Development.
April 7, 2011, reported favorably — Do Pass.

C o p y

April 8, 2011

First Regular Session 117th General Assembly (2011)

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 2010 Regular Session of the General Assembly.

C o p y

ENGROSSED
HOUSE BILL No. 1341

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

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

SECTION 1. IC 20-43-1-8.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011 (RETROACTIVE)]: **Sec. 8.5. "Child find" means activities conducted by the school corporation to locate, identify, and evaluate all students at least three (3) years of age, but less than twenty-two (22) years of age, who are in need of special education and related services, regardless of the severity of their disabilities, including but not limited to students who attend a nonpublic school within the school corporation's boundaries.**

SECTION 2. IC 20-43-1-18.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011 (RETROACTIVE)]: **Sec. 18.5. "Parentally placed nonpublic school students with disabilities" means students with disabilities who are enrolled by their parents in nonpublic schools or facilities, including religious schools or facilities, that are day schools or residential schools providing elementary or secondary education as determined under Indiana**

law. For students at least three (3) years of age and less than six (6) years of age, nonpublic schools are schools that meet the definition of an elementary school in 511 IAC 7-32-33.

SECTION 3. IC 20-43-7-9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011 (RETROACTIVE)]: **Sec. 9. (a) This section does not apply to a charter school.**

(b) Each calendar year, a school corporation shall expend part of the school corporation's state special education grant on the provision of special education and related services to parentally placed nonpublic school students with disabilities. The school corporation shall, at a minimum, expend an amount from the state special education grant equal to the amount attributable to the number of parentally placed nonpublic school students with disabilities included in the school corporation's count conducted under section 1 of this chapter.

(c) In determining compliance with this section, a school corporation may include state special education grant expenditures on the following:

(1) Activities and services for which the school corporation may expend federal grants under Part B of the federal Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

(2) Child find activities, including the cost of initial educational evaluations and reevaluations.

(d) A school corporation shall maintain sufficient and accurate records to demonstrate compliance with this section.

(e) The state board shall adopt rules to implement this section, including, but not limited to, reporting requirements, monitoring, and consequences for noncompliance. The consequences may include requiring expenditure of additional state funds in a subsequent year if the school fails to expend the requisite amount in a prior year.

SECTION 4. [EFFECTIVE UPON PASSAGE] **(a) The state board of education may adopt temporary rules in the manner provided for the adoption of emergency rules under IC 4-22-2-37.1 to implement IC 20-43-7-9, as added by this act.**

(b) A temporary rule adopted under this SECTION expires on the occurrence of the earliest of the following:

(1) The date specified in the temporary rule.

(2) The date that another temporary rule or permanent rule supersedes or repeals the previously adopted temporary rule.

C o p y

(3) July 1, 2013.

(c) This SECTION expires July 1, 2013.

SECTION 5. **An emergency is declared for this act.**

C o p y

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1341, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 15, delete "schools, home schools," and insert "**schools**".

Page 2, line 6, after "(a)" insert "**This section does not apply to a charter school.**

(b)".

Page 2, line 16, delete "(b)" and insert "**(c)**".

Page 2, line 25, delete "(c)" and insert "**(d)**".

Page 2, line 27, delete "(d)" and insert "**(e)**".

and when so amended that said bill do pass.

(Reference is to HB 1341 as introduced.)

BEHNING, Chair

Committee Vote: yeas 11, nays 0.

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred House Bill No. 1341, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to House Bill 1341 as printed February 1, 2011.)

KRUSE, Chairperson

Committee Vote: Yeas 8, Nays 1.

C o p y