



February 1, 2011

HOUSE BILL No. 1341

DIGEST OF HB 1341 (Updated January 27, 2011 10:16 am - DI 109)

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: Upon passage; January 1, 2011 (retroactive).

Behning, Frizzell

January 13, 2011, read first time and referred to Committee on Education.
January 31, 2011, amended, reported — Do Pass.

C
o
p
y

HB 1341—LS 7420/DI 51+



February 1, 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

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:

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

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

HB 1341—LS 7420/DI 51+



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

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

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

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

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

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

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

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

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

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

40 (1) The date specified in the temporary rule.

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

C
o
p
y



1 **(3) July 1, 2013.**
2 **(c) This SECTION expires July 1, 2013.**
3 **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.

C
O
P
Y

