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# HOUSE BILL No. 1341

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 20-43-1; IC 20-43-7-9.

**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).

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### Behning, Frizzell

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January 13, 2011, read first time and referred to Committee on Education.

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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.

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## 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, home schools, or facilities, including religious**  
16 **schools or facilities, that are day schools or residential schools**  
17 **providing elementary or secondary education as determined under**



1 **Indiana law. For students at least three (3) years of age and less**  
2 **than six (6) years of age, nonpublic schools are schools that meet**  
3 **the definition 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) Each calendar**  
7 **year, a school corporation shall expend part of the school**  
8 **corporation's state special education grant on the provision of**  
9 **special education and related services to parentally placed**  
10 **nonpublic school students with disabilities. The school corporation**  
11 **shall, at a minimum, expend an amount from the state special**  
12 **education grant equal to the amount attributable to the number of**  
13 **parentally placed nonpublic school students with disabilities**  
14 **included in the school corporation's count conducted under section**  
15 **1 of this chapter.**

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

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

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

25 **(c) A school corporation shall maintain sufficient and accurate**  
26 **records to demonstrate compliance with this section.**

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

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

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

- 39 **(1) The date specified in the temporary rule.**
- 40 **(2) The date that another temporary rule or permanent rule**
- 41 **supersedes or repeals the previously adopted temporary rule.**
- 42 **(3) July 1, 2013.**

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1           **(c) This SECTION expires July 1, 2013.**  
2           **SECTION 5. An emergency is declared for this act.**

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